



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

AUG 18 2000

Mr. Vaughn Arthur
Hazardous Materials Advisory Council
1101 Vermont Avenue, NW, Suite 301
Washington, DC 20005-3521

Ref. No. 00-0193

Dear Mr. Arthur:

This is in response to your letter dated July 10, 2000, regarding a letter of clarification issued by this Office on September 8, 1999; Reference Number 99-0219. It is your belief that our response is in error.

In our letter dated September 8, 1999, we stated that an acetic acid solution that is used as a dye, may be described under the shipping name "Acetic acid solution" or "Dyes, liquid, corrosive, n.o.s." It is your opinion that the answer is contrary to the mixtures and solutions proper shipping name selection criteria specified in § 172.101(c)(10) which leads a shipper to "only one final proper shipping name choice." Therefore, you conclude, the acetic acid solution should be described under the shipping name "Dyes, liquid, corrosive, n.o.s."

Section 172.101(c)(10)(i)(F) states that a mixture or solution not identified specifically by name, comprised of a hazardous material identified in the Hazardous Materials Table (§ 172.101; HMT) by technical name and a non-hazardous material, shall be described using the proper shipping name of the hazardous material and the qualifying word "mixtures" or "solutions" as appropriate, unless the material can be appropriately described by a shipping name that describes its intended application. It was the intent of this section to allow a material that is a mixture of a hazardous material that is identified by name in the HMT and a non-hazardous material, to be identified by a shipping name that describes its intended application or by the proper shipping name of the hazardous material and the appropriate qualifying word. It was not the intent of § 172.101(c)(10)(i)(F) to require such a material to be described under the materials application name. Therefore, the previous opinion stated in our letter dated September 8, 1999 (Reference Number 99-0219) remains valid. We will attempt to clarify this section in a future rulemaking.



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In addition, the HMR do not limit a material to the selection of only one proper shipping name. The HMR state that for a material not specifically identified by name in the HMT that it must be described by the shipping name that "most appropriately describes" the material. In some cases, more than one shipping name could "most appropriately describe" a material. In those instances, a shipper has the discretion to decide what shipping name to use.

I hope this information is helpful.

Sincerely,

for Thomas G. Allan

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

Hazardous Materials Advisory Council



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Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards
Research and Special Programs Administration
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Gale

§172.101(c)

00-0193

July 10, 2000

Dear Mr. Mazzullo,

The Hazardous Materials Advisory Council (HMAC) is an international, non-profit, educational organization devoted to promoting safety in the domestic and international transportation and handling of hazardous materials, substances and wastes. HMAC represents shippers, carriers of all modes, container manufacturers and reconditioners, emergency response and waste clean-up companies, and a variety of other companies and trade associations involved in the field of hazardous materials transportation.

This is in reference to the interpretation dated September 8, 1999 referring to §172.101 & §173.22 that was authored by John A. Gale and reproduced in the November/December 1999 edition of HAZMAT Packager & Shipper.

The interpretation addresses the assignment of a proper shipping name to a mixture and concludes with the statement "...it is our determination that either proper shipping name would be correct for the mixture." We believe this interpretation is contrary to the mixtures and solutions proper shipping name selection criteria specified in §172.101(c)(10) which leads a shipper to only one final proper shipping name choice. This principle, that there is only one correct proper shipping name, is taught throughout the hazardous materials training industry, therefore, we believe it's important to bring this matter to your attention.

According to §172.101(c)(10)(i), if the mixture is of a hazardous material listed in the §172.101 Table and non-hazardous material, you would only use the technical name from the Table with the addition of the appropriate qualifying word "mixture" or "solution" if none of the conditions stated in (A) – (F) apply. From the information provided in Mr. Gale's letter, the mixture appears to be a corrosive dye and, therefore, it is addressed by (F), the intended application description. We believe the proper shipping name **Dye, liquid, corrosive, n.o.s. (contains Acetic Acid)** would be the most appropriate selection. Do you agree?

Sincerely,

E. Vaughn Arthur
Director, Education and Training