



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

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

JAN 26 2001

Ms. Jean M. Soltys
Environmental Manager
Safety-Kleen Inc.
221 Sutton Street
North Andover, MA 01845

Ref. No. 00-0355

Dear Ms. Soltys:

This is in response to your December 12, 2000 letter, regarding the use of the shipping name, "Environmentally Hazardous Substance, (liquid or solid), nos" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

The proper shipping name, "Environmentally Hazardous Substance, (liquid or solid), nos," may be used for a material not specifically listed in § 172.101, which meets the definition of a Class 9 material. A material need not meet the definition of a hazardous substance in § 171.8 to be associated with this proper shipping name.

A material can meet the Class 9 definition for reasons other than being a hazardous substance. Further, while the United States Environmental Protection Agency does not require the use of a manifest for universal wastes, certain states have not adopted parts or all of the Universal Waste program. Therefore, if a material is subject to the Uniform Hazardous Waste Manifest in 40 CFR Part 262 in a particular state, the material will, at minimum, meet the definition of a "hazardous waste" under § 171.8.

I hope this satisfies your request.

Sincerely,



John A. Galt

Transportation Regulations Specialist
Office of Hazardous Materials Standards



000355

172.101



BAH
MAC Intyre
§ 172.101
Proper Shipping Name
00-0355

December 12, 2000

Mr. Delmer F. Billings
Chief, Standards Development
Office of Hazardous Material Standards
USDOT/RSPA (DHM10)
400 7th Street SW
Washington DC 20590-0001

Dear Mr. Billings:

This letter is written to request clarification on the use of the proper DOT Shipping Name, *Environmentally Hazardous Substance, liquid or solid, nos.*

Based on the definition of *Hazardous Substance* found in 49 CFR 171.8, it was our understanding that a material had to meet the definition of a *hazardous substance* before the use of the shipping name would be appropriate. However, we have placed several calls to the DOT hotline regarding this question and have received varying answers. One answer we have received indicated that an item such as universal waste, which would have been shipped as hazardous waste prior to the Universal Waste Rule, should stay as a class 9 material, using the Environmentally Hazardous shipping name, even if the material did not exceed its RQ and was no longer considered a hazardous waste.

Conversely, we have obtained a copy of a letter from your office addressed to Jerry Davis of Safety-Kleen in 1998, which indicates the opposite (see attached).

Could you please respond in writing to this request so that we may go forward using this shipping name correctly? Thank you for your help.

Sincerely,

Jean M. Soltys
Environmental Manager

enclosure