



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

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

OCT 5 2001

Mr. Sean F. Surbeck
T. Hasegawa USA Inc.
14017 E 183rd Street
St. Cerritos, CA 90703

Ref. No. 01-0239

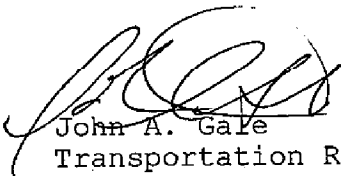
Dear Mr. Surbeck:

This is in response to your letter dated September 5, 2001, requesting clarification on whether your natural and artificial apple cinnamon flavor with a flash point of 70°C (158°F) is regulated under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Under § 173.22, it is the shipper's responsibility to properly classify a hazardous material. This office generally does not perform this function. Under § 173.120, combustible liquid is defined as a material with a flash point above 60.5°C (141°F) and below 93°C (200°F), and does not meet the definition of any other hazard class under the HMR. Therefore, in accordance with the HMR, your natural and artificial apple cinnamon flavor is classed as a combustible liquid. A combustible liquid in a non-bulk (450 L or less) packaging is not subject to any requirements under the HMR, including labeling, unless the material is a hazardous waste, hazardous substance or marine pollutant.

I hope this satisfies your request.

Sincerely,



John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards



010239

~~Edmondson~~
BAH
§173.120
Classification
01-0239



T. HASEGAWA USA INC.
14017 East 183rd St, Cerritos, CA 90703

flavors | fragrances
714.522.1900 | FAX 714.522.6625

FAX

To: Edward Mazzullo **From:** Sean F. Surbeck

Co.: DOT **Phone:** 714.522.1900

Phone: 800.467.4922 **Date:** Wednesday, September 05, 2001

Fax: 202.366.3012 **Pages:** 3 including cover

Urgent For Review Please Comment Please Reply Per Your Request

● **Comments:**

Due to a complaint from one of our customers, we are requesting clarification on how we categorize materials on our MSDS according to the DOT. We have listed a material with a flash point of 70°C as DOT: Class 3 Combustible Liquid. According to our customer we are misrepresenting this item due to the inclusion of the words "Class 3."

Wednesday, September 12, 2001 I spoke with DOT employee, Cameron to check the accuracy of our MSDS. According to Cameron we are correct in listing this product under Class 3, A flash point of 70°C is under definition of Class 3." Could you please confirm this in writing.

I have attached our MSDS for this product and a copy of our internal flow chart to show you how we determine the appropriate DOT label for our materials on our MSDS. Please feel free to contact me if you have any questions.

Thank you,

70°C

Sean F. Surbeck

Food Technologist / R&D Applications

ssurbeck@thasegawa.com