



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 16 2001

Reference No: 01-0250

Mr. Mike Alston
Manager
Regulatory Compliance-Chemicals
Aristech Chemical Corporation
200 Neville Road
Pittsburgh, PA 15225


Dear Mr. Alston:

This is in response to your letter concerning the proper shipping name for phthalic anhydride with less than .05 % maleic anhydride. Specifically you asked whether you should describe the material as "Elevated temperature liquid, n.o.s., (phthalic anhydride), 9, UN 3257, III, RQ" or "Hot Environmentally hazardous substances, n.o.s., (phthalic anhydride), 9, UN 3082, III, RQ." The phthalic anhydride has a reportable quantity of 5000 pounds and is shipped at a temperature of 280 °F, which is below the material's flashpoint of 305 °F.

Either shipping name may be used. The Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) state that a material not specifically identified by name in the Hazardous Materials Table must be described by the shipping name that "most appropriately describes" the material (see § 172.101(c)(12)(ii)). In some cases, more than one shipping name could "most appropriately describe" a material. In those instances, a shipper has the discretion to decide which shipping name to use.

I hope this information is helpful.

Sincerely,



John A. Gale
Transportation Regulations Specialist.
Office of Hazardous Materials Standards



010250



200 Neville Road
Pittsburgh, PA 15225

Corbin
§173.140
Definition
01-0250

September 18, 2001

U.S. Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards
400 Seventh Street S.W.
Washington, DC 20590

Attn: Mr. Ed Mazzullo

Dear Mr. Mazzullo:

Recently I was questioned on the proper classification of one of the products we manufacture and ship by tank car and was asked to write a letter to RSPA to resolve the matter. The material is phthalic anhydride with less than .05% maleic anhydride and; therefore, not specifically listed in §§ 172.101. Phthalic Anhydride has a reportable quantity of 5000 lbs and is shipped at a temperature of 280 F, which is below the flash point of 305 F. The basic description that I use to classify the material is:

Elevated Temperature Liquid, NOS, (phthalic anhydride) 9, UN3257, III, RQ

I was informed that the correct classification should be:

Hot Environmentally Hazardous Substances, NOS, (phthalic anhydride), 9, UN3082, III, RQ

Although I see the merit to the latter classification, I believe that the original classification is correct. By regulation §§173.140, a definition of a class 9 material is a material which presents a hazard during transportation but which does not meet the definition of any other hazard class. This includes: §§173.140 (b) Any material that meets the definition in §§171.8 of this subchapter for an elevated temperature material, a hazardous substance, a hazardous waste, or a marine pollutant. I view the elevated temperature characteristic to pose the immediate danger and therefore I believe that the current classification as an Elevated Temperature Liquid is correct.

Could you please comment on this.

Regards,

Mike Alston
Mgr-Regulatory Compliance-Chemicals