



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

MAY 16 2002

Mr. Ronald J. Stokes  
ExxonMobil Chemical Company  
Intermediates, Synthetics Product Stewardship  
P.O. Box 3140  
Edison, NJ 08818

Ref. No: 02-0107

Dear Mr. Stokes:

This is in response to your letter of April 4, 2002 requesting clarification of whether certain materials meet the definition of "oil" as that term is applied in 49 CFR part 130 to requirements for oil spill prevention and response plans.

Because the subject regulations were issued under authority of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321), as amended by the Oil Pollution Act of 1990, we applied those requirements to all materials historically regarded as oil by the United States Coast Guard (USCG) within its own rules and regulations issued under authority of the FWPCA. Our definition of "oil" in § 130.5 is precisely the same as the definition of "oil" in 33 U.S.C. 1321(a)(1). Admittedly, that definition of "oil" is broad and of little help in answering your specific questions. Over the years, however, USCG issued guidance in the form of lists of products that are "oils" for the purpose of the FWPCA. A copy of the current list is available through the internet at <http://www.uscg.mil/vrp/faq/oil.shtml>. Also, a copy is enclosed for your information. If this list does not help in answering all of your questions, you may wish to contact Mr. Thomas Felleisen at 202-267-0086 for additional assistance in determining whether particular materials are regulated as oil.

I hope this information is helpful.

Sincerely,

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards

Enclosure



020107

130.5

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Allan  
§130.5  
Definitions

April 4, 2002

**ExxonMobil** 02-0107  
Chemical

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/RSPA (DHM-10)  
400 7th Street, S.W.  
Washington, DC 20590-0001

**Ref: Part 130 to Subchapter B of 49 CFR**

Dear Mr. Mazzullo:

We are looking for guidance in determining if certain chemical materials, be they hazardous or non hazardous, meet the definition of an oil in accordance with the regulations. Although many of our products clearly meet one of the definitions found at §130.5 and are handled accordingly; we would like additional guidance in classifying those that are more difficult to assess.

We produce materials which fall into three general groupings and the products generated in each grouping share a core/similar chemical structure. Additionally these products are made by chemical reactions which produce materials quite different from the raw materials (feed stock), even if the raw material may be an oil. The three chemical product lines we're concerned with are polyalpha olefins (PAO), esters and additives. A typical example of each category is as follows:

**Poly Alpha Olefin**

Typical example

Mobil SHF 61 ~ 1 Decene, Homopolymer, Hydrogenated  
Polymerization RXN of 1-Decene & hydrogenated to remove any remaining double bonds.

**Esters**

Typical example

MCP 121 ~ Adipate Ester (Diester/DiBasic Ester)  
Adipic acid + Tridecanol = Di-Tridecyl Adipate

**Additives** (*used in fuel and lubricants as friction modifiers, copper passivators, emulsifiers, Demulsifiers and corrosion inhibitors*)

Some examples

MCP 239 = Polyisobutenyl succinic anhydride (PIBSA)

MCP 390C = Esterification of 2-Ethyl Hexanol and phosphorous Pentoxide  
Phosphoric Acid, mono(2-Ethylhexyl) Ester, Phosphoric Acid, Bis (2-Ethylhexyl) Ester

Other specific issues we have in conjunction with this matter and the specific chemistries shown above are:

Q. Does a material which is synthesized from raw materials (all or some) which are petroleum based qualify as an oil in accordance with Subchapter B when the end product is a different structure?

Q. Does a material which is synthesized from raw materials (all or some) which are non-petroleum based (i.e. animal fat or vegetable oil) qualify as an oil in accordance with Subchapter B when the end product is a different structure?

Q. Beyond (notwithstanding) what is written in Subchapter B, what is primary intent of this rule and how can that help in determining if a material is an oil?

Q. Can you offer some guidelines beyond the various oil definitions to assist in the oil classification process? Are there some characteristics of oil that can be used (e.g. not soluble in water, floats on water, etc.)?

Q. Does a material derived from non qualifying raw materials reacted or synthesized into a material used as a lubricant (*lubrication oil such as in a compressor*) qualify as an oil in accordance with Subchapter B?

Please feel free to contact me directly at the address and/or the numbers shown below should you have any questions and/or need any clarification needed in regards to this request.

Thanks for your consideration in this matter.

Sincerely,



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