



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

JUN 13 2003

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

Ms. Jeanette DeGennaro
Regulatory Specialist
Fisher Chemicals
1 Reagent Lane
Fair Lawn, NJ 07410

Ref. No. 03-0096

Dear Ms. DeGennaro:

This is in response to your March 25, 2003 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to labeling. You state Sodium Peroxide, UN 1504 is specifically listed in the Hazardous Material Table (HMT) as a Class 5.1 Oxidizer. You state your company believes Sodium Peroxide is also a corrosive material. You question if the package for this material can be labeled with a Class 5.1 and Class 8 label.

Your letter does not provide information (e.g. Material Safety Data Sheets) or indicate the method(s) used by your company in concluding this material is a corrosive material. As defined in § 173.136, a corrosive material means a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time. A liquid that has a severe corrosion rate on steel or aluminum based on the criteria in § 173.137(c)(2) is also a corrosive material. If human experience or other data indicate that the hazard of a material is greater or less than indicated by the results of the tests specified in this section, the Research and Special Programs Administration (RSPA) may revise its classification or make the determination that the material is not subject to the requirements of part 173.

As provided in § 172.402, each package containing a hazardous material shall be labeled with primary and subsidiary hazard labels as specified in column 6 of the HMT. Sodium Peroxide is a Class 5.1 material and is not assigned a subsidiary hazard class; therefore, additional labeling is not required. However, if you have data showing corrosivity of this material tested in accordance with § 173.137, you may affix a subsidiary hazard label in accordance with § 172.401, which states that no person may offer for transportation and no carrier may transport a package bearing a label unless the label represents a hazard of the material in the package. Please provide us with such data in accordance with § 172.101(d)(2).

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



030096

172.402



Foster
§172.101
§172.402 (a)(2)
Applicability
03-0096

March 25, 2003

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

Re: Clarification of the use of 49CFR 172.402(a)(2)

Requestor: Fisher Scientific Chemical Division
1 Reagent Lane
Fair Lawn, NJ 07410
Attn: Jeanette DeGennaro
201-703-3136
degennaro@fisherchem.com

Mr. Mazzullo:

Sodium Peroxide is specifically listed in the hazardous materials table, 172.101, as Sodium Peroxide, 5.1, UN1504, I. Fisher believes that Sodium Peroxide is also a DOT corrosive. Is it acceptable, under 172.402(a)(2), to prepare and ship this material as Sodium Peroxide, 5.1, UN1504, I-the outer carton marked with the proper shipping name, UN ID number and bearing both a 5.1 Oxidizer label and a Class 8 label? Any clarification you can provide is greatly appreciated.

Best Regards,

Fisher Scientific Chemical Division

Jeanette DeGennaro
Regulatory Specialist