



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

JUL 23 2003

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Washington, D.C. 20590

Andrew Woodside Ph.D.
Woodside Inc.
300 Hanna Dr.
Ponca City, OK 74604

Ref. No. 03-0174

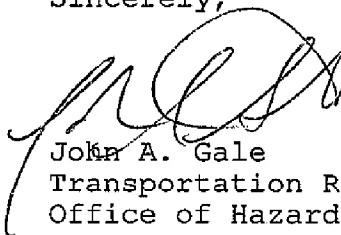
Dear Dr. Woodside,

This is in response to your July 16, 2003, letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to tricresyl phosphate, with less than 3 percent ortho isomer.

Under § 173.22, it is the shipper's responsibility to properly classify a hazardous material. Such determination are not required to be verified by this office. However, "Tricresyl phosphate with more than 3 percent ortho isomer, 6.1, UN 2574, PG II" is not an appropriate proper shipping name if your product has less then 3 percent ortho isomer. Section 172.101(c)(12)(i) states that a material shall be described by an appropriate proper shipping name listed in association with the correct hazard class, packing group, hazard zone, or subsidiary hazard for the material. If your material does not meet the criteria of a Division 6.1 and does not meet any other hazard class, it is not subject to the HMR.

I hope this satisfies your request.

Sincerely,



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



030174

173.22

*Info. Cntr
Summary
of the attached
email interp request*

*BAT
§ 173.132
Applicability
03-0174*

Andrew Woodside Ph. D.
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300 Hanna Drive
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580-765-8683

To Whom it May Concern,

Per CFR 49 Section 105.20 "Guidance and Interpretations" I am requesting a formal response to the following question:

Is tricresyl phosphate (UN 2574) containing less than 3% of the ortho isomer considered to be a hazardous material for shipping purposes?

Based on my chemical knowledge and my interpretation of the regulations in CFR 49, it is not. If this is incorrect, please correct me and provide an explanation. This chemical called tricresyl phosphate is a lead scavenger for internal combustion engines. It has been used by piston engine aircraft operators for fifty years. I plan to make a business of buying and re-selling the technical grade of TCP. The technical grade of this chemical contains less than 1% of the ortho isomer which is the isomer that is considered highly toxic. The table in CFR 49, part 172 lists TCP with greater than 3% of the ortho isomer as being hazardous. May I infer then, that TCP with less than 3% of the ortho isomer is not considered hazardous and thus may be shipped without regard to the hazardous material regulations?

Thank you for your formal guidance.

Kind Regards,

Andrew B. Woodside Ph.D.