



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

AUG - 9 2005

Ms. Sandra Basham  
Director of Transportation  
Corporate Regulatory Affairs  
Sherwin Williams Environmental, Health, & Regulatory Services  
101 West Prospect Avenue  
Cleveland, OH 44115-1075

Ref No.: 04-0058

Dear Ms. Bashman:

This is in response to your letter dated March 10, 2004 and subsequent telephone conversation with a member of my staff regarding the determination of a proper shipping name for your paint removal product under the under Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). According to your letter and telephone conversation, your product is a mixture composed of 85% Methylene Chloride (Dichloromethane), 10% methanol, ammonium hydroxide solution, and other non-hazardous materials. In addition, you indicate that the material exhibits hazards of Class 3 Packing Group II, Class 8 Packing Group II, and Division 6.1, Packing Group III. Specifically, you ask whether it is more appropriate to describe your product as "Paint related material, 8, UN 3066, PG II," or "Corrosive liquid, toxic, n.o.s., 8, UN 2922, PG II."

In accordance with § 173.22, it is the shipper's responsibility to properly classify a hazardous material and assign it a proper shipping name from the Hazardous Material Table (HMT; § 172.101). Section 172.101(c)(12)(iii) states that if a material meets the definition of more than one hazard class and is not specifically identified by name in the HMT, then the hazard class of the material must be determined using the precedence criteria specified in § 173.2a. To properly class a mixture containing hazardous components, you must analyze and test the entire mixture to determine its hazard class and if it poses any subsidiary hazards. Please note that the mixture may or may not exhibit the hazards of one or all of its components.

According to the information you provided about this material, Class 3, Packing Group II, takes precedence, followed by Class 8, Packing Group II, then Division 6.1, Packing



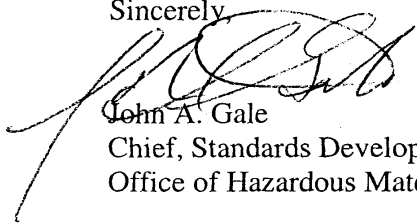
050058

172.101  
173.2a

Group III. Therefore, an appropriate shipping description is "Flammable liquid, toxic, corrosive, n.o.s., 3 (8, 6.1), UN 3286, PG II." The descriptions "Paint related material, 8, UN 3066, PG II," and "Corrosive liquid, toxic, n.o.s., 8, UN 2922, PG II" do not accurately identify the hazards of the material.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", written over the typed name.

John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



**SHERWIN  
Williams**

Environmental, Health, &  
Regulatory Services

Webb  
8172.101  
8173.2a  
Shipping Name  
04-0058

THE SHERWIN-WILLIAMS COMPANY  
101 WEST PROSPECT AVENUE  
CLEVELAND, OH 44115-1075

7602 2050 0003 7840 6420  
VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 10, 2004

Mr. Edward T. Mazzullo  
Director of Office of Hazardous Materials Standards  
USDOT/RSPA (DHM-10)  
400 7<sup>th</sup> Street SW  
Washington, DC 20590-001

Dear Mr. Mazzullo:

Our company transports and sells a paint removal product that is purchased from another manufacturer. This product contains 85% Methylene Chloride (Dichloromethane), 10% methanol, ammonium hydroxide solution and other materials that are not considered hazardous. The supplier has had the mixture tested for skin corrosivity and testing results indicate it to be a Class 8, PG II hazardous material.

Based on these test results, the supplier ships this product to us as "PAINT RELATED MATERIAL, 8, UN3066, PG II". However, because the product contains such a large percentage of Methylene Chloride (a class 6.1, PG III hazardous material per the HMT), Sherwin-Williams feels that this shipping description does not represent the dual hazard posed by this product. It is Sherwin-Williams' understanding that under 49 CFR 172.101(c)(12)(i), (ii) and (iii) and 173.2a, this mixture containing two hazards should be shipped as "CORROSIVE LIQUID, TOXIC, N.O.S., 8, UN2922, PG II".

Can you please provide a written opinion regarding which shipping description is correct for this product? Since we must routinely re-ship this product throughout our organization and to our customers, we are very concerned about perpetuating this erroneous shipping description. Thank you for your prompt assistance with this matter.

Sincerely,  
THE SHERWIN-WILLIAMS COMPANY

Sandra L. Basham  
Director of Transportation  
Corporate Regulatory Affairs

*Sandra L. Basham/Chapman*  
216-566-1664

8/2/05 (2:15p)

*Bill Hammock*  
Mgr., Regulatory Affairs

216-566-2632  
called me. We discussed  
the product, etc.  
*George Cashman*  
PHH-21