



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

AUG 23 2005

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

Ms. Tiffany Lawson  
Transportation Analyst  
Michelman, Inc.  
9080 Shell road  
Cincinnati, Ohio 45236-1299

Ref. No.: 05-0113

Dear Ms. Lawson:

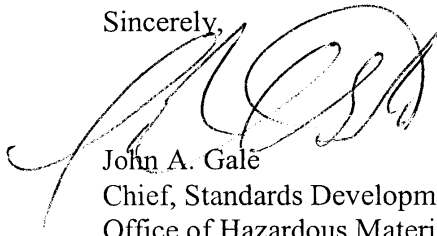
This responds to your letter regarding classification of your company's product under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You asked whether the product, which contains 2.4588% Ammonia and can cause discomfort to a flight crew, would meet the definition of a Class 9 material.

A shipper is responsible for classifying a hazardous material in accordance with the HMR (see § 173.22). The hazard class is determined based on the chemical composition and hazard properties of the material. You did not provide sufficient information concerning your company's product to enable us to offer an opinion on how it should be classed.

A Class 9 is a material that presents a hazard during transportation but, that does not meet the definition of any other hazard class, and includes a material that has an anesthetic, noxious or other similar property that could cause extreme annoyance or discomfort to a flight crew member so as to prevent the correct performance of assigned duties. If your company's product containing 2.4588% Ammonia causes extreme annoyance or discomfort to a flight crew, it may meet the definition in § 173.140(a) as a Class 9 (Miscellaneous) hazardous material and be regulated for purposes of transportation in commerce. A Class 9 material is not regulated for transportation by highway, rail, or vessel, unless it meets the definition in § 171.8 as a elevated temperature material, hazardous substance, hazardous waste, or marine pollutant.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



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



050113

173.140

Engrum  
§ 173.14.0  
Definitions

**MICHELMAN** 05-0113 *Waterbased Technology Worldwide*

Michelman, Inc., 9080 Shell Road, Cincinnati, Ohio 45236-1299 USA / Tel: 513-793-7766 Fax: 513-793-2504

Dear Mr Mazzulo,

I am in need of an interpretation of a possible Class 9 material. The product contains 2.4588% Ammonia and "can cause discomfort to a flight crew". Do I need to classify this product as a Class 9 via rail, road or ocean.

Please feel free to contact me with any questions regarding this question.

Thank you,  
Tiffany Lawson  
Transportation Analyst  
Michelman, Inc.  
(513) 794-4223



ISO 9002  
Certificate Number: 30987