



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

Dr. Andy Wang
Supresta Built-In Defense
Ardsley Park
420 Saw Mill River Road
Ardsley, NY 10502

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

NOV 21 2005

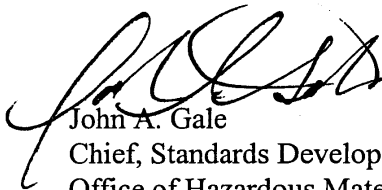
Ref. No. 05-0214

Dear Dr. Wang:

This is in response to your September 12, 2005, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185). Specifically, you request confirmation from this Office that a product that contains 1 - 4% triphenylphosphate in combination with tert-butylated triphenylphosphates is neither a marine pollutant nor a severe marine pollutant and therefore, is not subject to the HMR.

Under § 173.22, it is the shipper's responsibility to properly classify and describe a hazardous material. This Office does not normally perform that function. However, based on the information submitted, it is the opinion of this Office that a triphenyl phosphate/tert-butylated triphenyl phosphates mixture containing 1% to 4% triphenyl phosphates is not a marine pollutant nor a severe marine pollutant according to Appendix B in § 172.101. Therefore, provided your product does not otherwise meet the definition of a hazardous material (§ 171.8), it is not subject to the HMR.

Sincerely,



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



050214

172.101

August 25, 2005

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

BAH
§172.101
Classification
05-0214

Dear Mr. Mazzullo:

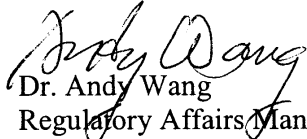
We recently spoke with Kevin of your office in regard to a question about the classification of a product. He suggested that we contact you in order to get written confirmation.

We have a product that contains 1 - 4% triphenylphosphate in combination with tert-butylated triphenylphosphates. In our conversation, Kevin indicated that this product would not be regulated as either a marine pollutant or a severe marine pollutant.

Please confirm that this product would be accurately classified as non-regulated for transportation purposes.

Thank you for your review of this product. If you have any questions, please feel free to contact me at (914) 269-5928.

Sincerely,


Dr. Andy Wang
Regulatory Affairs Manager

Cc: Mark Buczek