



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN 29 2006

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

Mr. Adam Feldman
Special Materials Company
262 West 38th Street
New York, NY 10018

Ref. No.: 06-0134

Dear Mr. Feldman:

This responds to your letter dated June 6, 2006, regarding classification of your product "Parachlorobenzotrifluoride" in accordance with the §173.120 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You enclosed documents from several companies who tested this product and a Material Safety Data Sheet (MSDS).

Special Materials Company imports "Parachlorobenzotrifluoride" (PCBTF) from China, by vessel. PCBTF is a member of the "Chlorobenzotrifluoride" family of compounds. Parachlorobenzotrifluoride has a flash point greater than 35°C (95°F) and is 99.7 – 99% pure and shipped in ISO Tankers, packagings having a capacity of between 2,400 to 2,900 Liters. You stated that PCBTF is not subject to the provisions of the International Maritime Dangerous Goods (IMDG) Code because it meets the definition in 2.3.1.3 for Class 3 materials, which do not sustain combustion. PCBTF is not a marine pollutant, and you believe not regulated as a hazardous material under the IMDG Code.

However, the Shanghai Maritime Institute in China does not agree and has detained your company's ISO Tankers until tests are performed and a determination is made as to the correct classification of this product. Specifically, you ask whether "Parachlorobenzotrifluoride" is classed under the HMR as a hazardous material.

Under §173.22 of the HMR, it is the shipper's responsibility to properly classify a hazardous material. This office generally does not perform this function.

The criteria for a Class 3 material is found in §173.120 of the HMR. As specified in § 173.120(a)(3), any liquid with a flash point greater than 35°C (95°F) that does not sustain combustion according to ASTM D 4206 or the procedure in Appendix H of Part 173 does not meet the definition of a Class 3 (flammable liquid). In addition, as specified in §173.120(b)(3), a combustible liquid that does not sustain combustion is not subject to the HMR. Based on the information you provided, it is our opinion that your company's product, "Parachlorobenzotrifluoride", does not meet the definition for a



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Class 3 (flammable/combustible liquid), and provided it does not meet any other hazard class definition would not be regulated for purposes of transportation in commerce.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", written over a horizontal line.

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



Engrum
§173.22 §1720.101
§173.120 Classification
06-0134

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Date: June 6, 2006

DEPARTMENT OF TRANSPORTATION
Pipeline Hazardous Materials and Safety Administration
OFFICE OF HAZARDOUS MATERIALS SAFETY
400 Seventh Street – S.W.
Washington DC 20590

Room 8421

Attn: Mr. Dwayne Phund,

Dear Mr. Phund,

Thank you for speaking with our offices this afternoon. As suggested, we have written this letter and attached what information we have concerning this product.

Special Materials Company is an American Importer. We import chemicals from China. Approximately seventy percent of our shipments are non hazardous, however we are continuously trying to follow a Best Practices Style of Business with all our products. We are applying for C-TPAT Certification as well as membership in the National Association of Chemical Distributors.

We have an issue in China that is causing us great concern. We import Parachlorobenzotrifluoride (PCBTF). PCBTF is a member of the chlorobenzotrifluoride family of compounds. However PCBTF is not subject to the provisions of the IMDG Code because it does not sustain combustion. PCBTF is not a marine pollutant, and is not regulated as a dangerous good under any other provision of the Code. We have exported this product from China for a number of years.

The Shanghai Maritime Institute has now detained our containers. This is having a significant impact on us. They have decided that this product is now hazardous.

If this is upheld, we will be unable to ship as we have in the past, as the weight of the product and the hazardous regulations would be prohibitive. We sell this product to PPG and Sherwin- Williams to name only two.

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We have given the Shanghai Maritime Institute, the paperwork of tests conducted by the Case Consulting Laboratories Inc. in New Jersey who tested this product for us in 2002. This states that under the procedure in 49CFR Ch 1. Pt 174 App H. "Method of Testing for Sustained Combustibility" this product exhibits no sustained combustion.

The original manufacturer in the United States, Occidental has stated that this material is non-hazardous. However the Shanghai Maritime Institute does not consider this evidence acceptable.

They are arranging for their own testing in China. This is taking a time as not all of their testing laboratories have the appropriate equipment. However in the meantime our containers are backing up and the question that some of our merchandise may be misclassified is creating serious shipping problems for our company.

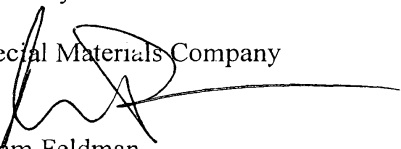
The Shanghai Maritime Institute did suggest to our agents there, that a Letter from The United States Maritime Agency or similar respected Agency might help release the containers now stalled in the pipeline. After much searching Mr. John Currie of VOHMA suggested that you were the best choice to help us.

Attached is a copy of the Material Safety Data Sheet, copy of the Case Consulting Laboratories findings and an affidavit from Special Materials Company issued last year.

We are grateful for your assistance in this issue, and will cooperate with you in any way. We can provide information to assist your Department in issuing this letter of Classification to the Shanghai Maritime Administration.

Sincerely

Special Materials Company



Adam Feldman
Principal