



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUN 17 2008

Ms. Sheila Hardy
VP, General Manager
Vital Diagnostics
1075 Lambert Road, Unit D
Brea, CA 92821

Ref. No. 08-0105

Dear Ms. Hardy:

This responds to your letter requesting verification of the classification of one of your products under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a solution containing 99.1% water and 0.9% picric acid would be regulated under the HMR.

Under §173.22 of the HMR, it is a shipper's responsibility to properly classify a hazardous material for transportation in commerce. This Office does not normally perform that function. Although you did not provide any additional information relevant to your products 518-018 and 55331, it is the opinion of this Office that these solutions do not meet the definition of a hazardous material and, thus, are not subject to the requirements of the HMR.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Stevens
§172.101
Classification
08-0105 Telephone

Memorandum

Date: April 2, 2008

From: Sheila Hardy
VP, General Manager
Vital Diagnostics, Brea, CA

To: Ed Mazzullo, Director
Office of Hazardous Materials Standards

Dear Sir,

I am writing you to request your assistance in verifying the classification of the Picric Acid (Trinitrophenol)-containing solution in our products 518-018 and 55331. I understand that the PHMSA does not classify products. I am only requesting verification of the classification of this solution as non-regulated.

The picric acid solution in question contains 99.1% water and 0.9% picric acid. It contains no other constituents. In support of our classification, I have attached a previous interpretation letter for a similar picric acid solution. It is our opinion that the regulations regarding picric acid solutions have not changed significantly since the interpretation letter of June 2000, even with the entry of UN3644 in the Hazardous Material Table.

I appreciate your consideration and look forward to your response.

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