



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

FEB 11 2009

Mr. John Foglio
Manager, Hazardous Materials
Transportation Safety
Evonik Degussa Corporation
379 Interpace Parkway
P.O. Box 677
Parsippany, NJ 07054-0677

Reference No. 08-0291

Dear Mr. Foglio:

This is in response to your November 20, 2008 letter concerning the most appropriate proper shipping name for a material that meets the definition of a Packing Group II flammable liquid (Class 3), Packing Group II corrosive (Class 8), and Packing Group III poisonous (toxic, Division 6.1) liquid under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state your supplier describes the material as "UN 2924, Flammable liquids, corrosive, n.o.s. (Hexamethyldisilazane), 3, 8, 6.1, PG II." You state the Hazardous Materials Table entry for the UN 2924 description and the corresponding emergency response information do not include safety information on toxic materials. You ask if "UN 3286, Flammable liquid, toxic, corrosive, n.o.s. (Hexamethyldisilazane), 3, 6.1, 8, PG II" is the more appropriate proper shipping description for this material.

If a material meets the definition of more than one hazard class and is not specifically identified by name in the Hazardous Materials Table (HMT; § 172.101), then § 172.101(c)(12)(iii) states the hazard class of the material must be determined using the precedence criteria specified in § 173.2a, and a proper shipping name must be selected, according to the methods prescribed in § 172.101(c)(12)(ii), that most appropriately describes the material. To properly class a mixture containing hazardous components, you must analyze and test the entire mixture to determine its hazard class and, if applicable, any subsidiary hazards. Please note that a mixture may or may not exhibit the hazards of one or all of its components. 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). See § 173.22.

Based on the information you provided about the mixture and the precedence criteria prescribed in § 173.2a, the Class 3-Packing Group II takes precedence, followed by Class 8-Packing Group II, and then Division 6.1-Packing Group III. In addition, this material is assigned a PG II in accordance with Note 1 of paragraph (b) of § 173.2a which states the most

stringent packing group assigned to any of the hazards a material exhibits will take precedence. Therefore, it is the opinion of this Office the proper shipping description “UN 2924, Flammable liquids, corrosive, n.o.s.” does not accurately identify the toxic hazard of the material, and the description “UN 3286, Flammable liquid, toxic, corrosive, n.o.s. (Hexamethyldisilazane), 3, 6.1, 8, PG II” is more appropriate. See § 172.101(c)(12).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hattie L. Mitchell', with a long horizontal flourish extending to the right.

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

Edmonson
§ 172.101
Proper Shipping Name
08-0291

November 20, 2008

Associate Administrator for
Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
Attention: Office of Hazardous Materials Standards (PHH-10)
Department of Transportation
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Re: Classification

Dear Mr. Edward Mazzullo,

We purchase a substance and subsequently offer it for transportation. It is shipped to us as UN 2924, Flammable Liquid, Corrosive, n.o.s., 3 (8) 6.1, PG II, (Hexamethyldisilazane). Note that 6.1 is mentioned as a subsidiary hazard. We do not agree with the classification of our supplier since the material is toxic, (6.1, PG III) in addition to being flammable liquid (3, PG II) and corrosive (8, PG II). We feel that the entry UN 3286, Flammable Liquid, Toxic, Corrosive is more appropriate because this entry refers to a schedule in the E/R Guide that warns for toxicity. The schedule for UN 2924 makes no mention about toxicity.

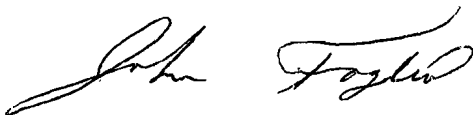
We approached our supplier and we were told that the hazard of corrosive takes precedence over toxic because class 8, PG II is more dangerous than division 6.1, PG III. Therefore, they cannot use an entry that puts the word toxic before corrosive. We agree that corrosive PG II takes precedence over toxic, PG III but we think that UN 3286 can be used. We were told that they cannot not change their classification unless DOT inserts a new entry for Flammable Liquid, Corrosive, Toxic, n.o.s. vs. the current one that puts Toxic before Corrosive.

We always like to use the same classification of the manufacturer but under the circumstances we think it is dangerous to use UN 2924 because of the lack of E/R procedures for toxicity. The manufacturer feels that nothing needs to be changed because they put a toxic label on the drums. We feel that the UN number and proper shipping name are of utmost importance when there is a spill.

Should the classification for a substance which is flammable liquid in PG II, corrosive liquid, PG II and toxic liquid, PG III be UN 2924, Flammable Liquid, Corrosive, n.o.s. 3, (8), (6.1) PG II or UN 3286, Flammable Liquid, Toxic, Corrosive, n.o.s., PG II ?

We want to make sure that our interpretation is correct and the order of the subsidiary hazards in the proper shipping name is not as important as not mentioning one hazard (toxic) at all in the proper shipping name. We thank you in advance for your much needed assistance.

Sincerely,

A handwritten signature in cursive script that reads 'John Foglio'.

John Foglio
Manager Hazardous Materials
Transportation Safety