



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

NOV 21 2013

Mr. Scott Hopkins  
Director of Marketing  
Reid Laboratories LLC  
2141 Collins Road, Building 901  
Denton, TX 76208

Ref. No.: 13-0205

Dear Mr. Hopkins:

This is in response to your email dated October 28, 2013, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the hazard classification of a 1.35 percent caustic potash (potassium hydroxide) solution.

In accordance with § 173.22, it is the shipper's responsibility to properly classify a hazardous material. This Office does not generally perform that function. Absent the availability of test data conducted in accordance with § 173.137, or historical test data conducted in accordance with § 173.136(c), the caustic potash solution can only be appropriately classified by conducting the corrosion testing specified in § 173.137.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

Babich  
§173.137  
Applicability  
13-0205

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, October 28, 2013 3:14 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for formal reply to corrosive/non-corrosive label, DOT Class determination of dilute solutions containing a corrosive  
**Attachments:** SDS 2350 MSDS revisions 10-24-13 to me converted to .pdf.docx

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,  
Victoria

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**From:** Scott Hopkins [<mailto:shopkins@reidlabs.com>]  
**Sent:** Monday, October 28, 2013 12:52 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Request for formal reply to corrosive/non-corrosive label, DOT Class determination of dilute solutions containing a corrosive

Good morning, I have gone thru all of the 173.137 and 137 regulation information regarding the determination of whether something does or does not rise to the level of to be considered a corrosive material. I can't find any information that speaks to how a solution, containing a small % of a known corrosive material is evaluated, short of the testing specified. We're a small company and spending money, testing products for traits that we know from experience (skin corrosion, etc.) don't exist is a real burden.

The cleaner/degreaser contains only 3% of a Caustic Potash 45% solution, giving the solution a level of caustic potash of 1.35%. Surely there must be some interpretations that deal with solutions containing a corrosive ingredient in very small amounts (very dilute form), that can eliminate the need for the Regulated, Class III, Packing Group 8 designation as well as the Corrosive – H290 – May be corrosive to metals, which in all of my testing over 8 months, I have found no evidence of.

I'd really appreciate a formal reply, whether it's "yes you still have to have this test performed" or "no test needed because we have exempted higher concentrations in the past". Just let me know, please.

**§173.136 Class 8—Definitions.**

(a) For the purpose of this subchapter, "corrosive material" (Class 8) means a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time. A liquid, or a solid which may become liquid during transportation, that has a severe corrosion rate on steel or aluminum based on the criteria in §173.137(c)(2) is also a corrosive material. Whenever practical, *in vitro* test methods authorized in §173.137 of this part or historical data authorized in paragraph (c) of this section should be used to determine whether a material is corrosive.

(b) If human experience or other data indicate that the hazard of a material is greater or less than indicated by the results of the tests specified in paragraph (a) of this section, PHMSA may revise its classification or make the determination that the material is not subject to the requirements of this subchapter.

Thank you very much for your time and response in advance. You may reach me at the phone number below if you need any clarifications or additional details.

Scott

**Scott Hopkins**  
**Dir. of Marketing**  
**Reid Laboratories**  
**Phone: (815) 463-1561**