



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

APR 22 2014

Mr. Richard M. Ormsbee
Corporate Regulatory Affairs Manager
Medivators
14605 28th Avenue North
Minneapolis, MN 55447

Ref. No. 14-0052

Dear Mr. Ormsbee:

This responds to your March 17, 2014 letter requesting clarification of the hazard classification requirements for a corrosive material under the of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you indicate that you have tested the material in accordance with § 173.137(c)(1) and § 173.137(c)(2) and provide the test results. You ask us to confirm that the results show that the involved material is not regulated under the HMR as a corrosive material.

In your letter you state that a skin corrosion test and a steel and aluminum corrosion test was conducted on your material in accordance with §§ 173.137(c)(1) and 173.137(c)(2). After observation for 14 days, the skin corrosion test indicated that there was no tissue destruction and the material did not produce evidence of corrosion. In addition, the steel and aluminum corrosion testing indicated that the product is not considered corrosive to steel or aluminum.

The definition of a corrosive material is found in § 173.136 of the HMR and procedures for packing group selection are found in § 173.137. Section 173.22 states that it is the shipper's responsibility to properly classify a hazardous material. This office does not generally perform that function. However, based on the information you provide, it is the opinion of this office that the material you describe is not regulated in the HMR as a corrosive material.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division



O'Donnell
§ 173.22
§ 173.136
§ 173.137
§ 172.101
Shipper's Responsibility
14-0052

March 17, 2014

Mr. Charles E. Betts
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Betts,

In accordance with 49 CFR § 173.22 to ensure compliance with the requirements of the HMR we have tested a product of ours in accordance with § 176.136(c) and § 173.137(c)(2) as the product has a pH < 2.

- Skin corrosion testing done in accordance with § 173.136(c), with observations to 14 days. No tissue destruction was noted and the conclusion of the testing stated the product did not produce evidence of corrosion.
- Steel and aluminum corrosion testing done in accordance with § 173.137(c)(2). Results stated that the product is not considered corrosive to steel or aluminum.

In regards to Class 8 (corrosive material) classification, with the above noted test results, we believe we have satisfied the requirements of the HMR, done our due diligence under § 173.22 and correctly classified the product as non-corrosive for shipping.

With this product having a pH < 2 we receive questions regarding our classification. Do you agree with our assessment?

Sincerely,

Richard M. Ormsbee
Corporate Regulatory Affairs Manager
Medivators
rormsbee@medivators.com

14605 28th Avenue North
Minneapolis, MN 55447

MEDIVATORS Inc. Headquarters
14605 28th Avenue North
Minneapolis, MN
55447-4822 USA
Tel: +1.763.553.3300
Fax: +1.763.553.3387

MEDIVATORS BV
Sourethweg 11
6422 PC Heerlen
The Netherlands
Tel: +31.45.5.471.471
Fax: +31.45.5.429.695

MEDIVATORS Asia/Pacific Pte Ltd
1 A International Business Park
#05-01 Singapore 609933
Tel: +65.6227.9698
Fax: +65.6225.6848

MEDIVATORS Beijing Representative Office
Room 708, 7th Floor Kaiheng Center, Block B
No. 2 Chaoyangmennei Street
Dongcheng District, Beijing China 100010
Tel: +8610.6567.8446
Fax: +8610.6567.8445