



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 20 2017

Brian Harmon
Energy & Natural Resources Industries and
EHS & Sustainability Products
3999 West Chester Pike
Newtown Square, PA 19073

Reference No. 17-0016

Dear Mr. Harmon:

This letter is in response to your February 6, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the formatting of organic peroxide technical names. Specifically, you ask whether the HMR permit information in brackets displayed on the Organic Peroxide Table in § 173.225 to be included on a shipping paper without the use of brackets or the phrase “as a,” further clarifying that your question does not extend to punctuation, such as dashes or parenthesis used in the chemical name. You provide as an example, “Dibenzoyl peroxide [as a paste] ≤ 52” where brackets with additional information are included in the technical name on the Organic Peroxide Table and note the instructions for displaying the technical name on shipping papers in § 172.203(k) use this same material as an example in the following format: “(dibenzoyl peroxide, paste, <52%).”

Because of the unique hazards posed by organic peroxides, the specific technical name listed in the Organic Peroxide Table in § 173.225 must be provided on the shipping paper. Chemical families of organic peroxides do not necessarily display similar characteristics throughout the entire family. In addition, different concentrations of the same organic peroxide exhibit different characteristics. Section 172.203(k) specifies organic peroxides must include the technical name and the actual concentration being shipped or the concentration range for the appropriate generic listing. Omitting brackets and the phrase “as a” does not adversely impact communication of the specific chemical name or concentration. Therefore, both (dibenzoyl peroxide [as a paste] ≤ 52) or (dibenzoyl peroxide, paste < 52) would be an acceptable format for the technical name of an organic peroxide.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Dodd, Alice (PHMSA)

Hehman
§173.225
Packaging General
17-0016

From: INFOCNTR (PHMSA)
Sent: Monday, February 06, 2017 11:27 AM
To: Hazmat Interps
Subject: FW: Request for Formal Letter of Interpretation of CFR49 §173.225 Packaging requirements and other provisions for organic peroxides. - Organic Peroxide Column 1 Technical names and the use of square brackets

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Harmon spoke with Eamonn.

Please let me know if you have any questions.

Thanks,
Jordan

From: Harmon, Brian [mailto:brian.harmon@sap.com]
Sent: Monday, February 06, 2017 10:44 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Poloczek, Martin <martin.poloczek@sap.com>; Drew, Ann <ann.drew@sap.com>
Subject: Request for Formal Letter of Interpretation of CFR49 §173.225 Packaging requirements and other provisions for organic peroxides. - Organic Peroxide Column 1 Technical names and the use of square brackets

SAP Labs, LLC is requesting a Formal PHMSA Letter of Interpretation with regards to the assignment of the Organic Peroxide technical names according to Title 49 → Subtitle B → Chapter I → Subchapter C → Part 173; specifically
• §173.225 *Packaging requirements and other provisions for organic peroxides.*

Using the table entry "Dibenzoyl peroxide [as a paste]" from the table as an example:

Dibenzoyl peroxide [as a paste]	UN3108	≤52					OP8			21
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SAP Labs, LLC would like to know if the information Column 1 must be exact OR could contain the relevant information, but not be exact. Specifically, the question is if the information in the square brackets "[as a paste]" can be provided without the exact use of the brackets [] and "as a."

Is "UN 3108, Organic peroxide type E, solid, 5.2, (dibenzoyl peroxide, paste, <52%)" an acceptable way to convey this information?

If yes, can we apply this logic to all technical names with [] brackets in the Organic Peroxide table?

We refer to this example provided in the regulation within CFR49 172.203 (k) where this exact example is given, but does NOT include the exact technical name [] brackets. This example conveys the necessary information "paste" where within the brackets [as a paste] is provided in the Organic Peroxide table.

§ 172.203 *Additional description requirements*

(k) Technical names for "n.o.s." and other generic descriptions. Unless otherwise excepted, if a material is described on a shipping paper by one of the proper shipping names identified by the letter "G" in column (1) of the §172.101 Table, the technical name of the hazardous material must be entered in parentheses in association with the basic description. For example "UN 1760, Corrosive liquid, n.o.s., (Octanoyl chloride), 8, II", or "UN 1760, Corrosive liquid, n.o.s., 8, II (contains Octanoyl chloride)". The word "contains" may be used in association with the technical name, if appropriate. For organic peroxides which may qualify for more than

one generic listing depending on concentration, the technical name must include the actual concentration being shipped or the concentration range for the appropriate generic listing. For example, “UN 3102, Organic peroxide type B, solid, 5.2, (dibenzoyl peroxide, 52-100%)” or “UN 3108, Organic peroxide type E, solid, 5.2, (dibenzoyl peroxide, paste, <52%)”.

We are aware that the parenthesis () within the table are part of the chemical names and therefore, are not being questioned. Nor are we questioning that the information within the brackets is a requirement. We are only questioning the way the information within the [] brackets must be properly displayed on shipping documents.

Regards,

Brian Harmon

Hazard Communication Specialist | Content-as-a-Service

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