



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

NOV 25 2009

Ms. Christina M. Kurtz  
Arkema, Inc.  
2000 Market St., 24<sup>th</sup> Floor  
Philadelphia, PA 19103

Ref. No. 09-0076

Dear Ms. Kurtz:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the appropriate selection of a proper shipping name. Specifically, you ask whether a generic chemical name may be used for the technical name with the concentration added when transporting an organic peroxide in place of the specific name as shown in the § 173.225 Organic Peroxide Table.

The answer is no. A generic chemical name may not be used in place of the technical name listed in the § 173.225 Organic Peroxide Table. Because of the unique hazards posed by organic peroxides, the specific technical name as listed in the Organic Peroxide Table must be used. 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, so the proper shipping name must include the actual concentration being shipped or the concentration range for the appropriate generic listing. See § 172.101 (c)(6).

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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

McIntyre  
§ 173.225  
§ 172.203(k)

**Drakeford, Carolyn <PHMSA>**

**From:** INFOCNTR <PHMSA>  
**Sent:** Wednesday, April 01, 2009 9:06 AM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

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09-0076

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]  
Sent: Tuesday, March 31, 2009 12:18 PM  
To: PHMSA HM InfoCenter; PHMSA Webmaster  
Subject: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

Request for an interpretation letter.

We would like to ship one of our Organic Peroxides and use a generic technical name because we do not want to reveal the exact chemistry of the material for competitive reasons.

Under 49CFR 171.8, IATA 4.1.2.1(d), ICAO 3.2.2 and IMDG 3.1.2.8.1.1 the technical name may be a chemical group that is used in scientific and technical handbooks, and journals.

But, 49CFR 172.203(k) states that the technical name must include the concentration or concentration range for organic peroxides. The example shows "dibenzoyl peroxide, 52-100%". This is the exact chemical from the 49CFR 173.225 table and not a generic description.

This section of 49CFR is not duplicated in any of the other regulations. It creates confusion because our carriers believe we should be using the exact chemical name from the 173.225 table.

Can you please clarify if the carriers' interpretation of the regulations is correct or if we can use a generic chemical name as the technical name (not from 49CFR 173.225 table) and add the concentration?

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