



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

SEP 2 2009

Mr. Patrick Foster
Manager, Logistics
OMG Americas, Inc.
811 Sharon Drive
Westlake, OH 44145-1522

Ref. No. 09-0116

Dear Mr. Foster:

This responds to your letter requesting guidance in the selection of a proper shipping name under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and differences that exist when making that determination under international standards. Specifically, you ask whether a paint drier can be described as “paint related material” when shipped internationally. You state in your letter that under § 173.173 of the HMR, a paint drier is a “paint related material” whereas under the ICAO Technical Instructions (ICAO TI) guidance is no longer given for its description. It is your understanding that in the past the ICAO TI required the generic “flammable liquid, n.o.s.” description for paint driers but no longer provides such guidance.

Section 173.173(a) defines a “paint related material” as the proper shipping name for a paint thinning, drying, reducing or removing compound unless a more specific description is listed in the § 172.101 table of the HMR. Moreover, the international standards such as the ICAO TI and the IMDG Code permit a competent authority to exercise discretion when categorizing specific hazardous materials in to generic shipping descriptions such as “paint” and “paint related material.” Therefore, the most appropriate description for a paint dryer when offered for transportation either domestically or internationally is “Paint related material.”

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

Stevens
§172.101
Proper Shipping Name
09-0116



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May 11, 2009

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Mazzullo:

I am writing to you with a question concerning the proper shipping name of a paint drier. CFR 49 lists paint driers as Paint Related Material, UN1263, Hazard Class 3 and specifically lists "including Driers". However, the ICAO/IATA and the IMDG list paint related material as including paint thinning or reducing compounds but do not say anything specific about paint driers. In the past, the ICAO/IATA regulations said to use Flammable Liquid, NOS for paint driers. The latest version does not have this reference.

Can the description "Paint Related Material" be used for paint driers in ICAO/IATA and IMDG? If not, the DOT proper shipping name and the Dangerous Goods proper shipping names are different, which creates some confusion.

A written response to this inquiry would be most helpful, as we have been questioned by the FAA concerning why we use Flammable Liquid, N.O.S. with the technical name as the proper shipping name for international shipments and use Paint Related Material as the proper shipping name for domestic shipments. The FAA suggested that Paint Related Material would be the correct proper shipping name for both Domestic and International shipments.

Your assistance in this matter is greatly appreciated. Correspondence can be directed to Pat Foster, (440)808-7230 pat.foster@na.omgi.com.

Sincerely,

A handwritten signature in black ink that reads "Patrick Foster".

Patrick Foster
Manager, Logistics