



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

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

APR 21 2011

Mr. Clifford Croft  
Director of Regulatory Compliance  
Kajuligan Corporation  
1533 Kirkwood Drive  
Geneva, IL 60134

Ref. No. 11-0021

Dear Mr. Croft:

This responds to your January 18, 2011 request for clarification on the hazard class and proper shipping name for 46% Hydrogen Peroxide in a 3 ml syringe under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that the manufacturer is listing the classification as "UN 3139, Oxidizing liquid, n.o.s. (Hydrogen peroxide), 5.1, PG II" on the Material Safety Data Sheet (MSDS). You disagree with the manufacturer's classification of this material. Specifically, you ask for the proper hazard class and proper shipping name for this product.

As provided in § 173.22, it is the shipper's responsibility to properly classify a hazardous material. Such determinations are not required to be verified by this office. Additionally, you provided no test data or an MSDS to substantiate your disagreement with the manufacturer's classification of this material. However, the Hazardous Materials Table (HMT) specifically lists "Hydrogen peroxide, aqueous solution, with more than 40% but less than 60% hydrogen peroxide" as a Division 5.1, and requiring both an OXIDIZER and CORROSIVE label. If the hazard class of the material you describe is questionable, the material should be tested for final hazard class determination.

I hope this answers your inquiry. If you need additional assistance, please contact this office at 202-366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Supko".

Ben Supko  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division



January 18, 2010

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

I would like to get a formal interpretation for the following. We are the distributor of a tooth whitening product that contains 46% Hydrogen Peroxide in a 3ml syringe. The manufacturer is listing the classification as UN3139, Oxidizing liquid, n.o.s. (Hydrogen peroxide), 5.1, PGII on the MSDS. I feel the classification and description are incorrect due to that a 46% concentration of hydrogen peroxide is typically corrosive as well. Symbols on the packaging indicates that the product is an oxidizer and corrosive material. The MSDS just indicates the material is an oxidizer.

The description the manufacturer is using would allow this material to be ship as an excepted quantity by air. If they had used UN2014, Hydrogen peroxide aqueous solution, 5.1(8), PGII it would not be allowed to ship by air unless they passed a comparative fire test required by special provision A60.

It is my understanding that we are required to select the most appropriate proper shipping name. I don't feel the manufacturer has done so in this case. I am looking for guidance on the proper classification for this item.

If you require any additional information please let me know.

Sincerely,

Clifford Croft  
Director of Regulatory Compliance  
Kajuligan Corp.