



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

NOV 16 2011

Mr. Henry L. Ritell
President and CEO
Rit-Chem Co., Inc.
1 Zeiss Drive, Suite 200
Thornwood, NY 10594-1941

Reference No. 11-0183

Dear Mr. Ritell:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of sodium saccharin and its salts. Saccharin and its salts were recently removed from the HMR's List of Hazardous Substances and Reportable Quantities (Appendix A to § 172.101) in a final rule published on June 27, 2011 [HM-1450; 76 FR 37283]. Specifically, you ask whether with this removal, are saccharin and its salts now also considered non-hazardous materials and, therefore, not subject to the HMR.

The answer is yes. The removal of saccharin and its salts from the HMR List of Hazardous Substances and Reportable Quantities was due to its removal as a substance by the Environmental Protection Agency (EPA). EPA has ultimate discretion when determining what is or is not a hazardous substance. PHMSA is statutorily mandated to list and regulate in the HMR EPA's list of hazardous substances. Additionally, sodium saccharin does not meet any other criteria for a hazardous material in the HMR, and, therefore, is not subject to the regulations.

I hope this information is helpful. Please contact this office should you need additional assistance.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

McIntyre
§172.101 App. A
Hazardous Substances

11-0183

From: INFOCNTR (PHMSA)
Sent: Monday, August 08, 2011 1:05 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Federal Register/Vol. 76, No. 123/Monday, June 27, 2011 (Sodium Saccharin)

Hi Carolyn,

We received the following request for a letter of interpretation at the HMIC.

Thanks,
Victoria

From: Rit-Chem Co. Inc. [<mailto:ritchem@ritchem.com>]
Sent: Thursday, August 04, 2011 4:42 PM
To: INFOCNTR (PHMSA)
Subject: FW: Federal Register/Vol. 76, No. 123/Monday, June 27, 2011 (Sodium Saccharin)

Attn: Mr. Charles Betts - Dir. Standards & Rule Making Div.

Dear Mr. Betts,

We refer to the subject matter which clearly states that Sodium Saccharin and its salts have been removed from the list of hazardous substances by the EPA. Accordingly, and/or in conjunction with the DOT has revised the list of hazardous substances to exclude sodium saccharin and its salts.

It is sufficiently clear to me that our producer of saccharin in Taiwan no longer has to apply Haz-Mat labels, effective as of June 27, 2011. However, to clarify, am I correct in my assessment of the ruling and would you please comply with my request to so state in a written response? If it is more convenient, we post our corporate address below.

Thank you for time and attention to this matter. Your cooperation is greatly appreciated.

Sincerely,
Henry L. Ritell
President & CEO

Rit-Chem Co., Inc.
1 Zeiss Dr. (Suite 200)
Thornwood, NY 10594-1941
Phone: (914) 769-9110
Fax: (914) 769-1408