U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

DEC 22 2003

Ms. Lee Tipton
Varn International
14000 Westfair East Drive
Houston, TX 77041

Ref. No. 03-0189

Dear Ms. Tipton:

This is in response to your request for clarification of your understanding of the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding mixtures of hazardous materials. Specifically, you ask the following related questions: 1) Does a mixture of three hazardous constituents (toluene, isopropanol and hexane) require at least two of the constituents to be listed in parentheses following the proper shipping name ("Flammable liquid, n.o.s.(toluene, hexane)"; and 2) Does a product containing one hazardous component (listed in the Hazardous Materials Table (HMT)) mixed with a non-hazardous material require only the hazardous component in parentheses following the proper shipping name, or must the non-hazardous material also be listed?

You are correct that for mixtures and solutions containing more than one hazardous material, § 172.203(k)(1) requires the technical names of at least two components most predominately contributing to the hazards of the mixture or solution to be listed when the material is described by a proper shipping name identified by the letter "G" in Column (1) of the HMT. Therefore, if toluene and hexane are the two components that most predominately contribute to the hazard of your mixture, the proper shipping name "Flammable liquid, n.o.s. (toluene, hexane)" is correct.

For mixtures and solutions containing one hazardous component that is listed in the HMT by technical name and one or more non-hazardous materials, the product must be described using the proper shipping name of the hazardous component with the qualifying word "mixture" or "solution," unless one of the

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172.101

conditions in § 172.101(c)(10)(i) is met. When one of the conditions in paragraph (c)(10)(i) is met, the most appropriate generic or n.o.s. proper shipping name may be used and only the hazardous component is required in parentheses following the proper shipping name, as stated in your letter.

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

Sincerely,

Hattie L. Mitchell

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

McIntyre
§172.101

Proper Shipping Name
03-0189

VARN, A SUBSIDIARY OF DAY INTL. INC.
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HOUSTON, TX 77041
FAX: 281-955-9925
PN: 281-469-6200 X246

DATE: July 30, 2003 **1 PAGE(S) BY FAX**

TO: DOT – ATTN: EDWARD MAZZOULLO, DIRECTOR OFFICE OF HAZARDOUS MATERIALS

US DOT/RSPA WASHINGTON, DC

FROM: Lee Tipton Lee_Tipton@day-intl.com

Good Day,
We are having an interpretation dispute in our offices. We need your help in resolving the matter. It relates to the following 49 CFR sections:

Re: 172.101 (F) iii
"A mixture or solution not identified in the Table specifically by name, comprised of two or more hazardous ingredients in the *same hazard class*, shall be described using an appropriate shipping description (e.g. Flammable Liquid, NOS). The name that most appropriately describes the material shall be used, e.g. an alcohol not listed by it's technical name in the Table shall be described as Alcohol, NOS rather than Flammable Liquid, NOS. Some mixtures may be more appropriately described according to their application such as "coating solution" or "Extracts flavoring liquid" rather than by an nos entry. Under the provisions of suparts C and D of this part, the technical names of at least two components most predominately contributing to the hazards of the mixture or solution may be required in association with the proper shipping name."

Another place where this same regulation can be found, but in association with shipping papers, is 172.203(1).
"If a hazardous material is a mixture or solution of two or more hazardous materials, the technical names of at least two components most predominately contributing to the hazards of the mixture or solution must be entered on the shipping paper as required by paragraph (k) of this section."
As well, an example is given in 172.202 (d) "Flammable Liquid, nos (Xylene, Benzene)"
We have a product, Plate Wash R-7, containing **3 hazardous materials** (3 ingredients that are all listed on the Table, i.e. Toluene, Isopropanol and Hexane). My interpretation of the above sections is that at least 2 of those ingredients must be listed in parentheses after the nos notation. I.E.

Flammable Liquid, nos (toluene, hexane)
3, UN1993, PGII

NON-HAZARDOUS

If we have a product that is a mixture of one hazardous ingredient (listed on the Table) and several other ingredients that are not specifically listed on the Table and are not hazardous substances or marine pollutants, then listing just the one hazardous ingredient as the technical name is acceptable and in compliance.

I need a letter of confirmation to support my position as we are currently upgrading our bill of lading descriptions in our computer system and we want to be in letter-perfect compliance with all DOT regulations.

Thank you so much for your time and assistance.

Sincerely

Lee Tipton, Varn International, Logistics Coordinator