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

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

DEC 12 2003

Ms. Patricia M. Sobel
Regulatory Affairs
Cosmo International Corporation
601 Fairway Drive
Deerfield Beach, Florida 33441

Ref. No. 03-0267

Dear Ms. Sobel:

This responds to your October 23, 2003, letter requesting clarification on whether your fragrance oils are regulated under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on whether your fragrance oils meet the Class 9 hazard class defining criteria in Part 173 of the HMR.

According to your letter, you manufacture and ship fragrance oils that are raw materials for perfumery products. Your fragrance oils can be readily identified by their characteristic odor and the description on the label. You further state that the odor would not cause extreme annoyance to the flight crew since none of your materials has anesthetic or noxious properties. Under § 173.22, it is the shipper's responsibility to properly class and describe a hazardous material for shipment. However, based on the information provided in your letter, it is the opinion of this Office that your fragrance oils do not meet the Class 9 defining criteria in Part 173. Provided your materials are not a flammable liquid, hazardous substance, hazardous waste, or marine pollutant, they are not subject to the HMR.

I hope this answers your inquiry.

Sincerely,

Susan Gorsky
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

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cosmo international corp.

October 23, 2003

Mr. Edward Macculao
Director of Office of Hazardous Materials Standard
USDOT-RSPA (DHM-10)
400 7th. Street S.W.
Washington DC, Washington 20590

Re.: Letter of Clarification

Dear Mr. Macculao:

We kindly request a letter of clarification for CFR 49, Part 173.140 Class 9 – Definition.

We manufacture and ship fragrance oils which are considered raw materials for perfumery products. Our fragrances consist of a blend of various odoriferous substances, both natural and synthetic. Although most of our products are not flammable, all materials are packed on UN approved drums protected by a fibreboard box.

Should an spill occur, our fragrances can be identified by their characterisic odor and by the description on the label. The odor should not cause any **extreme** annoyance to the flight crew members because none of our materials have an anesthetic or noxious properties.

If you need additional information to issue the letter of clarification, please let me know.

Best regards,

Patricia M. Sobel
Regulatory Affairs
Tel.: (954)798-4556

cc. Amy Winter – Fragrance Operation Manager
Juan Antillon – General Manager

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