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

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

JAN - 6 2004

Ms. Linda Isbill
Anitox Corporation
1055 Progress Circle
Lawrenceville, GA 30043

Ref. No. 03-0302

Dear Ms. Isbill:

This is in response to your letter dated November 21, 2003 and telephone conversation with a member of my staff. Specifically, you ask whether propionic acid with a flashpoint of 53°C should be described as "Propionic acid, 8, UN1848, PG III" or "Flammable liquids, corrosive, n.o.s. (Propionic acid), 3, 8, UN2924, PG III."

Section 172.101(c)(12)(i) states that if it is specifically determined that a material meets the definition of a hazard class, packing group or hazard zone, other than the class, packing group or hazard zone shown in association with the proper shipping name, or does not meet the defining criteria for a subsidiary hazard shown in Column 6 of the Table, the material shall be described by an appropriate proper shipping name listed in association with the correct hazard class, packing group, hazard zone, or subsidiary hazard for the material. Under § 173.2a, Class 3, Packing Group III takes precedence over Class 8, Packing Group III. Therefore, the proper shipping description for propionic acid with a flash point of 53° C is "Flammable liquids, corrosive, n.o.s. (Propionic acid), 3, 8, UN2924, PG III."

I hope this satisfies your request.

Sincerely,

John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards

172.101

030302

World Leader In Clean Feed Technology

BAH
§172.101
§173.120
Proper Shipping Name
03-0352

Mr. Edward Mazzullo
Dept. of Hazardous Material Standards
U.S. DOT/RSPA
DHM-10
400 7th Street SW
Washington D.C. 20590

Dear Mr. Mazzullo,

Anitox Corp, with locations in Georgia and Arkansas, will ship the chemical known as propionic acid by land and ocean. Propionic acid (99.5% concentration) will be packaged and shipped by Anitox in Intermediate Bulk Containers (IBC's) containing a volume of 1,000 kilograms. The product description "propionic acid" will be used for generation of our Material Safety Data Sheet and the packaging label.

49 CFR 172.101 Hazardous Materials Table, as well as the IMDG code (2002 Edition) for ocean transport, list propionic acid as a class 8, UN 1848, PG III. The flash point for propionic acid (99.5% concentration) listed on the Material Safety Data Sheet provided by the supplier of this product is 126 degrees F (53 degrees C). By definition of a flammable liquid as is stated in 49 CFR 173.120, propionic acid with the stated flashpoint of 126 degrees F (53 degrees C) should be classified as a flammable liquid.

Anitox interprets 49 CFR 172.101 (C) (12), to state since propionic acid meets the definition of hazardous class 3 as stated in 49 CFR 173.120, propionic acid should be shipped as a Flammable liquids, corrosive, n.o.s., UN 2924, 3, 8, PG III.

Therefore, Anitox requires guidance from the DOT for clarification when shipping propionic acid by land and ocean if Anitox should ship propionic acid as a class 8, UN 1848, PG III as stated in the Hazardous Materials Table, or if Anitox should ship propionic acid as a Flammable liquids, corrosive, n.o.s., UN 2924, 3, 8, PG III.

Your timely assistance in this matter is appreciated.

Regards,

Linda Isbill

Linda Isbill
Safety/Envrionmental Coordinator

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