

October 21, 1999

Mr. George Kerchner  
Howrey & Simon, Attorneys at Law  
1299 Pennsylvania Avenue, NW  
Washington, DC 20004-2402

Ref. No. 99-0239

Dear Mr. Kerchner:

This is in response to your letter dated August 25, 1999 requesting information concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-190) to "pasted" lead plates.

Under § 173.22, it is a shipper's responsibility to properly class, package, mark, and label a hazardous material for transportation in commerce or determine that it does not meet a hazard class definition. This Office generally does not perform this function. The criteria for making hazard class determinations can be found in Part 173 of the HMR.

If your material does not meet the hazard class defining criteria in Part 173, and is not a hazardous waste, hazardous substance or marine pollutant defined in § 171.8, it is not subject to the HMR. A hazardous substance must be listed in Appendix A to § 172.101 and must equal or exceed the reportable quantity (RQ) for that substance in one package. If your material does not exceed this amount, it is not subject to the HMR.

I hope this satisfies your request.

Sincerely,

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

173.22