



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

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

JUL 3 2002

Mr. Thomas J. Leech, III
Environmental Consultant
3720 Plum Point Drive E
Olive Branch, MS 38654-8000

Ref. No. 02-0121

Dear Mr. Leech:

This responds to your April 16, 2002 letter requesting clarification on the appropriate test method under § 173.120 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask which test method must be used to determine if a material sustains combustion when reclassifying a flammable liquid as a combustible liquid under § 173.120.

According to your letter a flammable liquid was tested using both the ASTM 4206 test method and Appendix H test method. The results of the testing indicated that the liquid did not sustain combustion using the ASTM 4206 test method and did sustain combustion using the Appendix H test method. The Appendix H test method requires that the material be tested at approximately 20 degrees Fahrenheit higher than the ASTM 4206 test method. It is your understanding that § 173.120(b)(3) appears to allow for either test method to be used in determining if a material sustains combustion. You ask if you may use either test method even when different results are obtained from the two test methods.

Your understanding of § 173.120(b)(3) of the HMR is correct. You may use either test method in determining if a material sustains combustion. And it is the shipper's responsibility to properly class, describe, and package hazardous material for shipment. Regarding the different test results you obtained, you did not provide enough information in your letter, e.g., the material safety data sheet and applicable test data on the material in question, for us to provide you with a more specific response from this Office.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

THOMAS J. LEECH, III
Environmental Consultant
3720 Plum Point Drive E
Olive Branch, MS 38654-8000

Boothe
§ 173.120 (b) (3)
Classification
02-0121

April 16, 2002

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Subject: Reclassification of a Combustible Liquid Per 49 CFR Part 173.120 -
Choosing Test Method and Results

Dear Mr. Mazzullo:

I would like an interpretation related to selecting the test method and results for reclassification of a flammable liquid to a combustible liquid.

A flammable liquid was tested using both ASTM 4206 and Appendix H of 49 CFR 173. The results of the testing indicated that the liquid did not sustain combustion using the ASTM 4206 test method and did sustain combustion using the Appendix H test method. The Appendix H test method requires that the material be tested at approximately 20 degrees Farenheit higher than the ASTM 4206 test.

49 CFR Part 173.120 (b)(3) appears to allow for either test method to be used in determining if a material sustains combustion. Does this mean that the test method can be chosen even when you have run both tests and obtained different results?

Please contact me at 901-399-5158 if you have any questions concerning this matter.

Sincerely,



Thomas J. Leech, III

Interpretation Letters

Requester Thomas J. Leech, III
Company Thomas J. Leech, III
Phone (901) 399-5158

Date Received: 4/26/2002
Tracking Number: 02-0121
Revision Date: 4/26/2002

Date Assigned 4/26/2002 **Date of Letter** 4/16/2002
Staff Boothe **First Draft Due:** 5/17/2002
Section 173.120(b)(3) **First Draft Date:** 5/17/2002
Subject Classification
Concurrence
Status **Status Date**
Sign Date **Signor**

HBP Copy to Docket Copy to DHM-60

Comment
supplied

*- spoke w/ Teddi (Cushman) re: test results of the PDB
re: you test data. I called for test data 5/1/02
- I have not rec'd test data yet so I called
Mr. Leech again to request the data 5/17/02.
- preliminary 1st draft to sel 5/17/02 PDB
- all to be good when 5/17/02 PDB
- good on 5/19/02 PDB
- typing finished 6/21/02 PDB
- good signed 6/27/02. PDB*

Agnes -

It's a joy!

Thank you!

Diane 6/2/02

5/1/02 per Tech, G. Cushman,
Call for help
test data info.

Re-called & re-d. test data
* 5/1/02 & again 5/17/02 *

Draft
* Interim 1st Draft
Prepared until test
data is rec'd *

7/1
Ditm-20
Sign-off
please
TKS

del - 5/17/02

I've tried to get
Mr Leach to get the
test data for review.
to review, but, have
not received anything.
So, I'm submitting
a preliminary 1st draft
based on my conversation
with George Cushman
on the permitted use
of either test method.

Thank you!
If I receive further
data, I'll let you know!

ENTERED

7/3/02

OK JEC

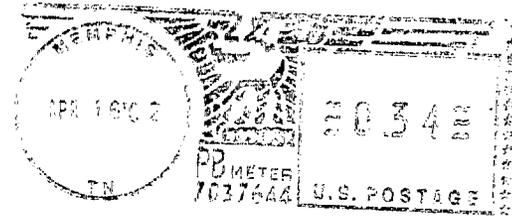
EMP

7/3/01

11 AM

Please log out
Liz, & send to SHM-10.
Thanks, [signature]

THOMAS J LEECH, III
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3720 PLUM POINT DRIVE E
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Mr. Edward T. Mazzullo
Director Office of Haz Materials Standards
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