



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

FEB 24 2004

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

Mr. Joseph Sanok
503 Fairview Avenue #2
Arcadia, CA 91107

Ref. No.: 03-0311

Dear Mr. Sanok:

This responds to your letter dated December 1, 2003, regarding classification of your products under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You enclosed Material Safety Data Sheets for these products. Subsequently, you spoke with a member of my staff, Helen Engrum, by telephone and said that any additional information on these products is proprietary and thus could not be released.

These products are "plant food" and carried in checked baggage aboard aircraft. Specifically, you asked whether your products, "CANNA AQUA VEGA A, CANNA AQUA VEGA B, CANNA AQUA FLORES A, and CANNA AQUA FLORES B" are considered hazardous materials, and thus subject to the HMR for purposes of transportation in commerce.

You did not provide sufficient information on these products or materials to make a determination regarding classification. Under the HMR, the hazard class is determined based on chemical composition, concentration of ingredients, and hazard characteristics of the material. In accordance with 49 CFR 173.22, it is a shipper's responsibility to properly classify a hazardous material for transportation in commerce. This office does not perform that function.

The requirements for shipping hazardous materials are found in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). A list of suppliers is enclosed. The HMR address requirements for classification, packaging, preparation of shipping papers, marking, labeling, placarding, emergency response information, and training. You may also access our Hazmat Safety Web Site at: <http://hazmat.dot.gov>.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,


Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

Enclosures



030311

173.22

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Engrum
§ 173.22
Shipper's Responsibility
03-0311

Fax

To: Edward Mazzulo	From: Joseph Sanok
Fax: 202-366-3012	Pages: 13
Phone: 1-800-467-4922	Date: 12/1/2003
Re: Interpretation Letter	CC:

Urgent For Review Please Comment Please Reply Please Recycle

Mr. Mazzullo,

I was referred to your office from the TSA control center. I have been having problems with checking plant food in my luggage aboard commercial airliners. The product is non-hazardous yet depending on which rocket scientist screener you get that day, it may or may not be allowed. I have just recently received MSDS sheets from the plant food manufacturer and I hope that will help. Per my phone conversation with your office, it was suggested that an interpretation letter be sent to TSA along with the MSDSs. Can your office provide this letter? Also, can you recommend any other way to solve this problem? I am hoping to get a written ruling from TSA on the products that I can show to airport screeners.

There are 4 products:

- CANNA AQUA VEGA A
- CANNA AQUA VEGA B
- CANNA AQUA FLORES A
- CANNA AQUA FLORES B

Thank you,