



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

FEB 12 2004

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Washington, D.C. 20590

Mr. Donald A. Oldiges
Technical Director
Jet-Lube, Inc.
4849 Homestead Rd., Suite 200
Houston, TX 77028

Ref. No. 04-0014

Dear Mr. Oldiges:

This is in response to your January 19, 2003 letter regarding the classification of copper metal powder as a marine pollutant under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you state your product, a controlled friction thread compound, contains less than 10% metallic copper powder as well as graphite and other solid boundary lubricants in a highly water resistant grease carrier. You provide toxicity test results for this product, but do not indicate the mode of transportation. You ask whether this thread compound, and a second product, require marine hazardous labeling and handling.

Section 173.22 requires a shipper to properly class and describe the hazardous material in accordance with Parts 172 and 173 of the HMR. This Office does not perform that function. As defined in § 171.8, a marine pollutant is a material which is listed in appendix B to § 172.101 of this subchapter (also see § 171.4) and, when in a solution of or mixture of one or more marine pollutants, is packaged in a concentration that equals or exceeds: (1) ten percent by weight of the solution or mixture for materials listed in the appendix, or (2) one percent by weight of the solution or mixture for materials that are identified as severe marine pollutants in the appendix.

Copper metal powder is found in appendix B to § 172.101, list of marine pollutants, as a severe marine pollutant. If you are transporting this material by water, you are subject to the marking requirements of the HMR for marine pollutants

I hope this information is helpful.

Sincerely,

Susan Gorsky
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



040014

173.22



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Foster
\$ 173.22
Classification
04-0014

Fax

To: Mr. Edward Mazzullo, Director of Office of Hazardous Materials Standards, RSPA
From: Donald A. Oldiges

Fax: 202-366-3012
Date: 01/19/04

Re: Interpretation Request
Pages: 12

We are finding it increasingly difficult to ship our oilwell drilling products based upon the addition of copper-metal powder to the 49 CFR part 172.101 annex around the year 2000. Our product is a controlled friction thread compound for use on oilwell drill string connections. It provides the film strength to resist galling under high contact stresses and provides controlled frictional properties to reduce connection failures while drilling. Our products **KOPR-KOTE**® and **JET-LUBE 21**® contain less than 10% metallic copper powder as well as graphite and other solid boundary lubricants in a highly water resistant grease carrier.

KOPR-KOTE has been the standard water well drilling thread-protecting compound in the United States for more than 25 years. Due to very strict environmental pressures, we have run many toxicity tests on our product in an effort to determine whether our product rightly generates either occupational health or environmental concerns. Since it does not, it provides supporting documentation of the test methods and results for regulatory groups when concerns such as these arise. I fully support the use of key elements as a screening mechanism where toxicity is an issue and actual test data is not available. Where the testing has been done, however, there must be a means to override the initial screen where data shows the converse (nontoxic).

I am writing you in hopes that you can thoroughly review the attached documentation and use the data to provide an interpretation as to whether our thread compounds **KOPR-KOTE** and **JET-LUBE 21** require marine hazardous labeling and handling. As stated earlier, these products do contain micron-sized copper flake in an extremely water resistant grease carrier, each product with a specific gravity greater than 1.0. Therefore, if spilled, the product would degrade very slowly in seawater (based upon the attached data) such that toxic conditions would not likely develop due to the encapsulation of the copper particles in the grease carrier. Note: In the lab tests, the product was dispersed using blenders in some cases.

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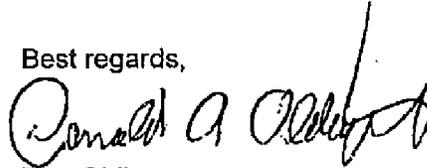
The attached Harmonized Offshore Chemical Notification Format (HOCNF) was designed to provide authorities with data and information about chemicals to be used and discharged offshore. It, therefore, requires manufacturers such as Jet-Lube, Inc. to provide extensive test data. If you need any supporting documentation of the test methodology, I have current methods I can forward for your review.

As you can or will see in the review of **KOPR-KOTE's** HOCNF document, it poses no threat or concern to the environment based upon the fish, crustacean, algae, sedimen reworker tests, taint, etc. All values are above the limit designated as acceptable in milligram per kilogram tested.

In the United Kingdom, **KOPR-KOTE** is assessed in the second most favorable category. If the grease was more biodegradable, it might have made it into the "E" or best category. I have attached the U.K. rating from CEFAS (Centre for Fisheries and Aquaculture Science). **JET-LUBE 21** is a scaled down version of **KOPR-KOTE**, thus if it is determined **KOPR-KOTE** is acceptable, **JET-LUBE 21** will be more so.

If you have any questions, concerns or need more information, please do not hesitate to call me at 1-800-538-5823.

Best regards,



Don Oldiges
Technical Director

DAO:jag
Attachment