



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUN 30 2004

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

Michael Fox, Ph.D.
Chemical Accident Reconstruction
Services Inc.
9121 E. Tanque Verde Road # 105
Tucson, AZ 85749

Ref. No. 04-0143

Dear Dr. Fox:

This is in response to your May 24, 2004 letter and subsequent telephone conversation with a member of my staff concerning the classification of a material in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Under 49 CFR 173.22, it is the shipper's responsibility to properly classify a material in accordance with the hazard class definitions in part 173 or to determine that the material does not meet a hazard class definition and does not meet the definition in § 171.8 of a hazardous substance, hazardous waste or a marine pollutant. If a material meets a hazard class definition, or meets the definition of a hazardous substance, hazardous waste or a marine pollutant but is not listed by name in the § 172.101 table, then selection of a proper shipping name must be made from the generic descriptions or n.o.s. entries corresponding to the specific hazard class, packing group, and subsidiary hazards of the material.

I hope this satisfies your request.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



040143

§172.101
§173.22

Chemical Accident Reconstruction Services, Inc.



May 24, 2004

Via First Class Mail

U.S. Department of Transportation
Office of Hazardous Materials Standards
ATTN: Director
Washington, D.C 20590

BAH
§172.101
Shipping Name
04-0143

Re: Emergency Response Information

Dear Director:

It is my understanding from reviewing the DOT Regulations (49 CFR 172.602) and letters of clarification that the requirement for Emergency Response Information (ERI) is fulfilled if the bill of lading contains the appropriate information along with the UN number for the hazardous material and the DOT Emergency Response Guide (ERG) is also available.

In many instances the hazardous materials are listed by name in the DOT table 172.101. However, in many other instances the materials are not listed by name.

My question is, when the material is not listed by name, what steps or procedures must be followed to assign the "appropriate" UN number? In other words, is an "educated guess" at the UN number acceptable, or are there specific steps and procedures that must be followed? What if the material is relatively new and has not been fully characterized? What if toxicity has not yet been determined? What sort of documentation and record keeping are required?

Thank you for your assistance.

Sincerely,

MICHAEL FOX

Michael Fox, Ph.D.
Founder

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