



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUL 13 2004

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

Mr. James Bandstra
Environmental Manager
Hammond, Group, Inc.
1414 Field Street
Hammond, IN 46325-6408

Ref. No. 04-0144

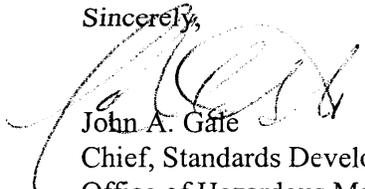
Dear Mr. Bandstra:

This is in response to your May 5, 2004 letter regarding classification of certain lead compounds destined for export transportation under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether your company is allowed to classify your product as "Lead compounds, soluble, n.o.s., Division 6.1" for export transportation when it is known by testing not to meet the Division 6.1 criteria for poisonous materials. You state the material is a soluble lead compound and contains a reportable quantity of lead metal.

The shipping name "Lead compounds, soluble, n.o.s." may not be used for a material that does not meet the criteria for a Division 6.1 material as specified in § 173.132 of the HMR. If you wish to apply for an exemption, the application for exemption procedures is found in § 107.105 of the HMR, or you may contact the Office of Hazardous Materials Exemptions and Approvals at 202-366-4511.

I hope this information is helpful.

Sincerely,


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



040144

172.101



Foster
\$172.101
Proper Shipping Name
04-0744

May 19, 2004

Office of Hazardous Materials Standards, DHM-10
400 7th Street, SW, Room 8430
Washington, DC 20590

Dear Sir or Madam:

I have been directed to your office to pose a question concerning the proper shipping description for certain lead compounds destined for export.

In discussions this week with Shane Kelley of the RSPA International Standards office, I explained that our company ships a lead compound known by testing not to meet the Division 6.1 criteria for poisonous materials. It is also a soluble lead compound and has an RQ for lead metal. The question before us was whether the "Lead compounds, soluble, n.o.s. Division 6.1" category is required to be used for our product. The following opinion was provided by Mr. Kelley on May 17, 2004:

"In our opinion the assumption that a material failing the solubility test (i.e. exhibiting a >5% solubility) is toxic is incorrect. The Division 6.1 testing is the primary method of determining whether a material is toxic. The solubility test is a secondary (and less expensive) means of determining whether a lead compound is soluble. However in order to be transported as Lead compounds, soluble, n.o.s., the material must not only be soluble, it must be toxic. If a lead compound has been tested and does not meet the definition of a toxic material, it should not be transported as a Division 6.1 material irrespective of the results of the solubility test."

It is clear from the above response that our material should be shipped for domestic transport as a Class 9 Environmentally Hazardous Substance (RQ lead metal) and not as a Division 6.1 poison.

According to IMDG lead solubility test procedures, however, European producers are calling these materials (possibly in error) Div. 6.1 poisons. Our EU customers expect to have our products labeled in a similar manner. The question I pose here, then, is can our company ship this product for export labeled as Division 6.1 hazardous material rather than as Class 9 and still be in compliance with DOT regulations, since we know the material is not a Division 6.1 material?

If you have any questions, feel free to contact me anytime.

Sincerely,
James Bandstra

Environmental Manager
Hammond Group, Inc.