



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAR 22 2005

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

Mr. Bruce F. Lavery
Spurrer Chemical Companies, Inc.
P.O. Box 2812
Wichita, KS 67201

Ref. No. 05-0061

Dear Mr. Lavery:

This responds to your letter requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to a solution of 5 percent ferric chloride. Specifically, you ask whether a 5 percent solution of ferric chloride meets the definition of a Class 8 (corrosive) material under the HMR and whether the material requires a hazard label. In your letter, you did not include the materials that constitute the balance of the solution.

Under § 173.22, it is the shipper's responsibility to properly classify a hazardous material. Without test data, we are unable to make the determination whether your material meets the criteria for a Class 8 (corrosive) material as provided in § 173.136. If the test results for the ferric chloride solution demonstrate that it does not meet the criteria of a Class 8 (corrosive) material and provided the material does not meet the definition of any other hazard class, it is not subject to the HMR. If the test results demonstrate that the material is subject to the HMR, the material must be properly classed, described, packaged, marked, labeled, and conform to all applicable requirements under the HMR.

I hope this information is helpful. Please contact this office if you have additional questions.

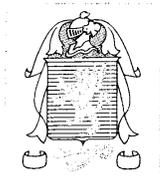
Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



050061

172.101



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McIntyre
5772.101
Applicability
05-0061

March 8, 2005

Attention: Mr. E.T. Mazzullo
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Question Regarding Possible Hazard Status of a Five Percent Solution of Ferric Chloride

Dear Mr. Mazzullo:

During a phone call to DOT earlier today, our Purchasing Manager was given your name as someone to contact to obtain a definitive opinion on the possible "Corrosive" hazard labeling status of a 5% solution of ferric chloride. We are considering selling such a solution into the cruise ship industry as a water treatment chemical, but, as you may be aware, that Industry strongly prefers that all chemicals coming on ships be of a non-hazardous nature. We hope that this would be the case for this solution.

Through other sources we have learned that 10% solutions of ferric chloride are deemed "Corrosive", but that 2%, 2.5% and 4.3% solutions are not. We hope that you might be able to provide us with confirmation that a 5% solution of ferric chloride also does not require regulated hazard labeling.

Thank you in advance for your assistance in this matter. If you have any questions about our query, please feel free to contact me at the phone numbers on our letterhead, or by e-mail at brucel@spurrierchemical.com.

Sincerely,

Bruce F. Lavery
Technical Director, Spurrier Chemical Companies, Inc.