



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

AUG 8 2006

Ms. Julie Frail
AmeriPath
895 SW 30th Avenue, Suite 101
Pompano Beach, FL 33069-4887

Ref. No. 06-0111

Dear Ms. Frail:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the classification of rags containing xylene and alcohol. Specifically, you ask whether the rags are regulated under the HMR and, if so, what proper shipping name is most appropriate.

As specified in § 173.22, it is the shipper's responsibility to properly classify a hazardous material and select the shipping name that most accurately reflects the material being shipped. The proper shipping name may be assigned by either:

- (1) Assigning the proper shipping description "Solids containing flammable liquid, n.o.s. (xylenes, ethyl alcohol)," UN3175, PG II without first applying the classification criteria of Division 4.1 (see Special Provision 47). Provided there is no free liquid around the rags or on the bottom of the drum, there is no need to further classify these materials.
- (2) Determining whether the rags meet a Class 4.1 material. The burn rate may be determined on the rags before any evaporation of these liquids by simply using flames. (The UN test method for Class 4.1 materials is designed for granular materials and, therefore, is not applicable to rags wetted with flammable liquids.)

If the package contains any residual free liquids on the bottom of the container or surrounding the rags, the proper shipping name is "Flammable liquids, n.o.s. (xylenes, ethyl alcohol)," UN1993. If the rags do not meet the definitions for Division 4.1 or Class 3, but do meet the definition for a hazardous waste (see definition in § 171.8), the most



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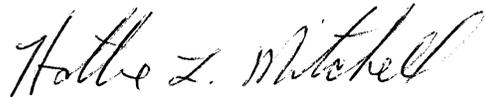
172.101
173.22

appropriate proper shipping names are "Hazardous waste, solid, n.o.s. (xylene, alcohol)," NA3082 or "Waste Environmentally hazardous substances, solid, n.o.s. (xylene, alcohol)," UN3077.

If the rags do not meet the definition of any of the hazard classes nor the definition for a hazardous waste, they are not regulated under the HMR.

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

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned above the typed name.

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



McIntyre
§172.101
§173.22
Proper Shipping
Name
06-0111

Dear Mr. Edward Mazzullo,

I am the South Florida Regional Safety Manager with AmeriPath. I recently received a phone call from Innovative Waste Management Inc., they were inquiring about our current hazardous waste. Innovative Waste Management said that one of our wastes (flammable Solids n.o.s. (xylene, alcohol) which are rags that contain xylene and alcohol (see attached MSDS) are not flammable solids but are actually non-hazardous. I asked him to contact DOT since I had contacted the DOT hazardous material information center and they had told me it is indeed flammable solids n.o.s. (xylene, alcohol). When Innovative waste management contacted the DOT hazardous information center they responded to me with the attached letter.

I need to know what the official DOT shipping name will be for rags containing xylene and alcohol in a 55 gallon metal waste drum.

If you need additional information feel free to contact me at 954-493-6555.

Sincerely,

Julie Frail
South Regional Safety Manager
AmeriPath
Phone: 954-493-6555
Fax: 954-633-3767
Cell: 561-767-7326