



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

APR 24 2014

Dr. Matthew Williams
3616 Londerry Drive
Tallahassee, Florida 32309

Reference No. 13-0222

Dear Mr. Williams:

This is in response to your November 4, 2013 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to formalin, a trade name for a type of formaldehyde solution. You note that a buffered 10% solution of formalin contains about 3-4% formaldehyde. You ask if a 10% buffered solution of formalin containing 3-4% formaldehyde is regulated under the HMR?

As required by § 173.22 of the HMR, it is the shipper's responsibility to properly class a hazardous material. This Office generally does not perform this function. Manufacturers generally have the knowledge to properly class the materials and products they produce, although it may be necessary to enlist an outside laboratory to assist in the classification process as testing may have to be conducted to determine how a product compares to the criteria for the nine hazard classes. However, although you did not provide sufficient information, such as testing results or a Safety Data Sheet, the acute effects of formaldehyde solutions have been well documented. Therefore, provided the solution does not meet the definition of any other hazard class, a 10% buffered solution of formalin containing less than 10% formaldehyde is not subject to the HMR (See § 172.102 Special Provision A189). For additional background information on the correct classification of formalin, please refer to the final rule entitled "Hazardous Materials: Miscellaneous Amendments" [Docket No. PHMSA 2009-0151 (HM-218F)], published on July 20, 2011 [76 FR 43510].

I hope this satisfies your request.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Andrews
§172.101
§173.140
Applicability
13-0222

To Whom It May Concern:

I am requesting a formal response to my question. Are there any regulations in regard to shipping 10% buffered formalin. Ten percent formalin consist of 3-4% formaldehyde. Nowhere in the regulations does it state that solutions containing 3-4% formaldehyde are regulated. It states 10% or greater. Please see the table I have inserted from the eCFR in regard to rules about formaldehyde. In addition to that I called PHSMA and inquired about the issue. I never got a clear answer and later received emails from PHSMA. I have attached copies of these emails. Two of the emails had an attachment. Each email had the same exact attachment. Which consist of a letter that a corporation had sent to PHSMA in March of 2011. It asked if 10% formalin was regulated and the reply from PHSMA was yes. This answer contradicts the regulations. It is stated in the 49 CFR that solutions containing 10% or greater formaldehyde are regulated. Not less than 10%. 10% formalin consist of 3-4% formaldehyde which falls well below 10% and does not qualify to be regulated. The only thing that 49 CFR states about formalin is, "see formaldehyde". Enclosed you will find emails that I sent, responses from PHSMA and the letter sent from the corporation that appears incorrectly answered. I would like someone to specifically answer my question in regard to 10% formalin which contains 3-4% formaldehyde. Is it regulated? If so, please cite the regulation where I can find it. If not, is this solution unregulated and not considered a dangerous material/solution.

Thank You,

Dr. Matthew Williams

3616 Londerry Drive

Tallahassee, Florida 32309

404-3947-7900

Matthew62774@gmail.com