



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 17 2016

Ms. Christina Kurtz
Manager Hazmat Regulations and Packaging
ARKEMA Inc.
900 First Avenue
King of Prussia, PA 19046-1308

Ref. No. 15-0176

Dear Ms. Kurtz:

This responds to your August 10, 2015 letter regarding the classification of your company's product under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that your company has a line of mixtures containing resins or paints that you classify as "UN1866, Resin Solution" and "UN1263, Paint" as instructed by § 172.101(c)(10)(i)(F) of the HMR. You note that previous interpretation letter Reference No. 05-0317 supports this classification; however the International Maritime Dangerous Goods (IMDG) Code is not clear on classifying materials based on application. You believe the wording in paragraphs 2.0.2.5.1 and 3.1.3.2 of the IMDG Code supports the classification of your company's product as Resin Solutions and Paints. Specifically, you ask whether the Pipeline and Hazardous Materials Safety Administration (PHMSA) interprets paragraphs 2.0.2.5.1 and 3.1.3.2.1 of the IMDG Code in the same way as § 172.101(c)(10)(i)(F) of the HMR.

Based on the information you provided, it is the opinion of this Office that paragraphs 2.0.2.5.1 and 3.1.3.2.1 of the IMDG Code and § 172.101(c)(10)(i)(F) of the HMR should be applied in the same manner. You are correct that the IMDG Code does not specifically provide guidance to shippers as to when the shipping description "UN1866, Resin Solutions" should be chosen based on application. However, if you as the shipper make this determination based on your knowledge and understanding of the commodity, its composition, and the intended use under the provisions provided in 3.1.3.2.1 of the IMDG Code, "UN1866, Resin Solutions" would be a proper description for your material.

I hope this satisfies your request.

Sincerely,

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



Andrews
172.101(c)(i)(F)
Purpose of HM Table
15-0176

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August 10, 2015

International Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
Attn: PHH-13, East Building
1200 New Jersey Ave., SE
Washington, DC 20590-0001

Re: 49CFR §172.101(c) (i) (F) and IMDG §3.1.3.2.1 and §2.0.2.5.1

Dear Sir/Madam:

Arkema Inc. is seeking an interpretation of IMDG §3.1.3.2.1 and §2.0.2.5.1.

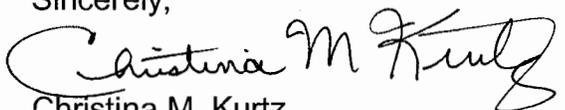
Currently we manufacture a line of mixtures containing resins or paints containing solvents (i.e. xylene, butyl acetate). We classify these mixtures as UN 1866, Resin Solution and UN 1263, Paint as per §172.101(c) (i) (F). Interpretation No. 05-0317 supports this decision.

Unfortunately, the IMDG regulations are not as clear when classifying materials based on use/application. Thus, some of our European colleagues believe the classification of the same high viscosity resin solutions and paints should be UN 1123, Butyl Acetate Solution and UN 1307, Xylene Solution.

Arkema Inc. believes the wording in IMDG §2.0.2.5.1 and §3.1.3.2 does support the same classification since Resin Solution and Paints are mixtures/solutions identified in the Dangerous Goods List. Unfortunately, application examples are not provided in The IMDG.

Please confirm the intention of IMDG §2.0.2.5.1 and §3.1.3.2.1 is the same as what is written in 49CFR §172.101(c) (i) (F).

Sincerely,


Christina M. Kurtz
Manager, Regulations and Packaging
Arkema, Inc.