



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

JUN 10 2009

Mr. Jeffrey L. Kennedy
Saint-Gobain Crystals
17900 Great Lakes Parkway
Hiram, OH 44234

Ref. No.: 09-0127

Dear Mr. Kennedy:

This is in response to your May 18, 2009 letter requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to cadmium tungstate. You request confirmation from this office that the test report submitted with your letter provides sufficient verification that the tested materials are not subject to the requirements of the HMR.

As provided in § 173.22, it is the shipper's responsibility to properly classify a hazardous material. Such determinations are not required to be verified by this office. However, based on the test results you provided, it is our opinion that the cadmium tungstate crystals described in the test report do not meet the definition of a Division 6.1 material for oral or dermal toxicity. Provided this material does not meet the criteria for a Division 6.1 material for inhalation hazard or the definition of another hazard class, it is not subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Leary
§173.132, §173.22
Definitions / Shipper's
Responsibility
09-0127

Drakeford, Carolyn <PHMSA>

From: Leary, Kevin <PHMSA>
Sent: Monday, May 18, 2009 4:54 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Cadmium tungstate hazardous material testing
Attachments: 2471_001.pdf

From: Kennedy, Jeffrey L. [mailto:Jeffrey.L.Kennedy@saint-gobain.com]
Sent: Monday, April 20, 2009 4:49 PM
To: Leary, Kevin <PHMSA>
Subject: Cadmium tungstate hazardous material testing

Dear Mr. Leary,

Back in November-December 2007, you and I discussed what testing would be required on cadmium tungstate crystal to determine if it meets the definition of a Class 6, Division 6.1 hazardous material.

As you may recall I submitted testing results from a laboratory in India, but the laboratory did not reference the testing procedures used, therefore you suggested using the "up and down procedure."

We have tested cadmium tungstate crystal using the oral and dermal toxicity limits defined in 49 CFR 173.132. Stresau Laboratory, Inc. of Spooner, Wisconsin handled this project and submitted the attached report, which includes the references to their testing methods. None of the animals tested died as a result of the exposure to cadmium tungstate.

Please let me know if this report provides sufficient information to make the determination that cadmium tungstate crystal does not meet the definition of a hazardous material under 49 CFR 173.132.

Thank you very much for your continued help on this project.

Sincerely,

Jeff Kennedy
Saint-Gobain Crystals
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Hiram, OH 44234
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Telephone: 440-834-5659