



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 27 1999

Mr. Oscar Mirabel
Ludvik Development Company
3201 18th Street, NW
Washington, DC 20010

Ref. No. 99-0112

Dear Mr. Mirabel:

This responds to your letter, dated April 28, 1999, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to natural vegetable carbon.

The Hazardous Materials Regulations govern the transportation of hazardous materials in commerce. Under § 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 information provided in your letter, it is the opinion of this office that natural vegetable carbon does not meet any of the hazard class defining criteria specified in Part 173 and, thus, is not subject to the requirements of the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan
Acting Director, Office of Hazardous
Materials Standards



990112

173.22

3201 18TH Street NW, Washington, DC20010-1001
 tel. 202-232-4356 fax 202-667-4398
 tel. 202-667-4184

Noram de Mexico, S.A.,
 Ave San Ignacio 120, Fracc. San Ignacio,
 Durango, Durango, Mexico 34030
 tel. 52 18 132837 fax 52 18 120344

**LUDVIK
 DEVELOPMENT
 COMPANY**

GORSKY
 § 173.22
~~99-0112~~
 JM

Fax

To: DEPARTMENT OF TRANSPORTATION
From: OSCAR MIRABEL

Fax: 202-366-3012 **Pages:** 2
Phone: 202-366-5770 **Date:** 04/28/99
Re: Title 49, 4.2 Exempt Non Hazardous Material Land Transportation
CC: Noram de Mexico, S.A.

NATURAL VEGETABLE CARBON IN CHUNKS

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

We are ready to sign a contract between LDC/Noram de Mexico and the UPS group. These shipments will be transported by trucks and the contents are "Natural Vegetable Carbon in Chunks" After lengthy discussions with the UPS Corporate and Customer Service Group, we find they need a written statement that our product is exempt of the restrictions found in Title 49, 4.2. of the DOT.

Our product will be stored at a warehouse in San Antonio, Texas, from where it will be dispatched (pick-up) by UPS and transported by highways/roads to different States such as: New England States, Pennsylvania, West Virginia and Virginia, District of Colombia, New Mexico, Colorado and Florida.

Our product is 100% natural charcoal vegetable carbon in different chunk sizes according to the consumers request.

According extensive research of your library of publications the following is what best describes our product.

April 28, 1999

- 1) The charcoal is not self reactive and is not associated with any means of detonation.
- 2) The charcoal does not deflagrate rapidly.
- 3) The charcoal does not react in any medium effect under heated confinement or open air.
- 4) The charcoal does not cause fire through friction.
- 5) The charcoal does not fall into any category of self-ignition in any quantity.
- 6) The charcoal withstands temperatures not to exceed 200°C (362 Fahrenheit).
- 7) The charcoal is not hazardous when wet.
- 8) The charcoal is non-toxic.
- 9) The charcoal does not cause any skin rash, eyes damage or inhalation problems.
- 10) The charcoal will be in bags of 6.6 lbs. Of heavy duty paper.
- 11) The charcoal will be transported in carton corrugated boxes with inside cushion material
- 12) The charcoal will be boxed with a 1.1/2inch interior space.
- 13) The charcoal will be taped for shipping and will bear detailed documentation of its nature.
- 14) The charcoal does not come in the form of briquettes nor do we plan to manufacture briquettes.

I have discussed this issue with your Mr. Arthur Pollack as well as other of your colleagues which name I do not recall. I have been advised the DOT will not issue a certification of transportation but could compose a letter of explanation stating this product is Non-Hazardous according to regulations found in Title 49. I was also advised this letter might not be ready prior to 30 days of my request and that the DOT can not make use of this sort of information via Email.

We will greatly appreciate your cooperation, consideration and courtesy on this matter in order to satisfy the trucking companies requirement.

Shall you need to discuss any other details with me please feel free to contact me at:

Tel. 202-232-4346

Fax 202-667-4398

Email: Omirabel@aol.com

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