



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

AUG 7 1999

Ref No. 99-0047

Charles L. Riggs, Ph.D.
Texas Woman's University
College of Arts and Sciences
P.O. Box 425529
Denton, TX 76204-5529

Dear Dr. Riggs:

This is in response to your letter regarding requirements for shipping chemical test kits with small quantities of dilute chemicals in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You enclosed Exhibits "A" and "B." I apologize for the delay in responding and hope it has not caused any inconvenience.

You stated that the chemical test kits are sold by Textile Rental Services Association of America (TRSA). Texas Woman's University (TWU) is interested in assuming the responsibility for the production of these test kits for TRSA. The layout and content of each test kit is presented in Exhibit "A". Exhibit "B" contains copies of previous correspondence between Mr. J.C. Sherrill of Sherrill Associates, and the U.S. Department of Transportation (DOT), written in 1985 and 1986, requesting to become party to the exemption DOT-E 6762. You asked for confirmation that the exemption is no longer necessary, and whether the TRSA "Washroom Test Kit" containing certain corrosive and flammable chemicals are considered hazardous materials for purposes of transportation in commerce.

It is the shipper's responsibility to properly classify a hazardous material in accordance with the hazard class definitions in Part 173 of the HMR. This Office does not perform that function (See 49 CFR 173.22). We do not agree with your previous determination that certain chemicals in your test kit, i.e., sulfuric acid, hydrochloric acid, and sodium hydroxide are "non-hazardous."

Under the HMR, Chemical kits containing small amounts of various compatible hazardous materials which are used for medical, analytical, or testing purposes must be prepared and shipped in accordance with Special Provision "15" in 49 CFR 172.102. For "Chemical kits", the quantity of hazardous materials in an inner packaging must not exceed 250 ml for liquids or 250 g for solids, and must be protected from other materials in the kit. The total quantity or gross weight of hazardous material in any one kit must not exceed 1 L or 1 kg. The total quantity of hazardous material in any one package must not exceed 10 L or 10 kg. For transportation aboard aircraft, the package of hazardous material may not exceed the quantity limitations prescribed for the material in Column 9A or 9B of the 49 CFR 172.101 Table (See 49 CFR 173.27).



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173.22

The exemption DOT-E 6762, which authorized certain corrosive and flammable liquids and ORM-A and ORM-B materials to be transported as "Chemical Kits" in non-specification, plastic packagings overpacked in fiberboard outside packagings, was not renewable beyond September 30, 1996. Therefore, exemption DOT-E-6762 is no longer valid or necessary.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

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TEXAS WOMAN'S
UNIVERSITY

DENTON/DALLAS/HOUSTON

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Charles Riggs
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January 26, 1999

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RSPA Office of Hazardous Materials Standards
U. S. Department of Transportation
400 Seventh Street SW
Washington, D. C. 20590-0001

Subject: 49 CFR 107.14 (b) Shipping of Washroom Test Kit

Gentlemen:

I am writing under the provisions of 49 CFR 107.14 (b) for a written clarification of requirements for shipping chemical test kits with small quantities of dilute chemicals. J. C. Sherrill in Homewood, IL has manufactured the test kit in question for approximately 13 years. The test kit is sold by TRSA (Textile Rental Services Association of America). J. C. Sherrill provided shipment of test kits until his death in 1998.

Texas Woman's University (TWU) is interested in assuming the responsibility for the production of these test kits for TRSA. The majority of the kits produced are used in industry training classes conducted at Texas Woman's University.

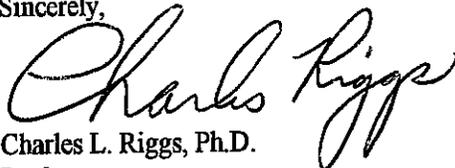
Attached as Exhibit B are copies of correspondence between J. C. Sherrill and DOT in 1985 and 1986. Prior to his death, Dr. Sherrill told me the requirements for shipping under the exemption granted in Exhibit B was no longer necessary. The contents of the test kit had been determined to not be hazardous. For the past several years, the kit had been shipped, primarily by UPS, with a shipping record indicating "plastic ware".

I have obtained a copy CFR 49. My interpretation of the definition of "Hazardous substance" in section 171.8 is also that the contents of the test kit are not hazardous. The layout and content of the test kit is presented in Exhibit A. None of the contents of the kit equal or exceed the RQ listed in Appendix A to 172.101.

To protect TRSA and TWU from the possibility of my misinterpreting the provisions of CFR 49, I am requesting a written confirmation that the test kit described in Exhibit A may be shipped as "plastic ware".

Thank you for your prompt attention to this matter.

Sincerely,



Charles L. Riggs, Ph.D.
Professor