



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

APR 21 2000

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

Ref. No. 00-0099

Mr. Barry L. Dance
Oakite Products, Inc.
Corporate Transportation Manager
13177 Huron River Drive
Romulus, MI 48174

Dear Mr. Dance:

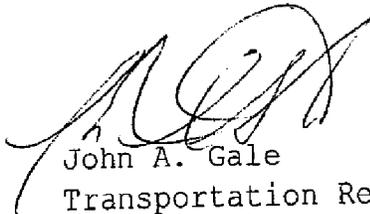
This is in response to your letter dated March 29, 2000 regarding the definition of a hazardous substance under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Under § 171.8, a hazardous substance is defined as a material, including its mixtures and solutions, that: (1) is listed in Appendix A to § 172.101 of the HMR; (2) is in a quantity, in one package, which equals or exceeds its reportable quantity; and (3) is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the table under § 171.8.

In your letter, you state that your company packages sodium hydroxide (47 percent concentration) in three different packages, one containing 1,410 pounds of sodium hydroxide, and two other packages each containing less than 1,000 pounds of sodium hydroxide. Sodium hydroxide has an RQ of 1,000 pounds. To meet the definition of a hazardous substance, the quantity of sodium hydroxide in each package must equal or exceed 1,000 pounds and 2 percent concentration by weight. You are correct in your understanding that only the package containing 1,410 pounds of sodium hydroxide meets the definition of a hazardous substance.

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialists
Office of Hazardous Materials Standards



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BAH
S171.8 HazSub
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March 29, 2000

00-0099

Mr. Del Billings
US Department of Transportation
Research and Special Projects Administration
DHM-11
400 7th Street SW
Washington, DC 20590

Mr. Billings,

I am writing for clarification regarding RQ, Hazardous Substances, and the interpretation of 171.8, Hazardous Substance definition, and 172.203 (c) (2).

We have a product that is liquid solution of sodium hydroxide, water, and other non-hazardous ingredients. The concentration of the sodium hydroxide is 47%. We package the product in several different sizes and the solution meets the definition for class 8, PG II. Our shipping description is: Sodium Hydroxide, Solution, 8, UN 1824, PG II. We add RQ depending on the size of the package is shown in the following table:

Package net weight	RQ added to description
50 lbs.	NO
500 lbs.	NO
3000 lbs.	YES

If I properly interpret 171.8 Hazardous Substance definition and 172.203 (c) (2), our 3000-pound net package requires RQ because:

1. Sodium hydroxide is listed in 172.10, Appendix A, Table 1 as a Hazardous Substance,
2. The sodium hydroxide net content is 1,410 pounds (47% of 3000) which exceeds the 1000 Reportable Quantity amount, and
3. The concentration of the sodium hydroxide in the solution exceeds 2%

The other two packages do not require RQ designation because the net content of sodium hydroxide in the package does not exceed the 1000 pound Reportable Quantity amount shown in 172.10, Appendix A, Table 1.

Can you advise if I am properly interpreting the regulations in this example?

Sincerely,



Barry L. Dance
Corporate Transportation Manager

