



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

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

MAY 17 2000

Mr. John Shore, Jr.  
Shore Chemical Company  
P.O. Box 1632  
743 N. Tully Road  
Turlock, CA 95381

Ref. No. 00-0135

Dear Mr. Shore:

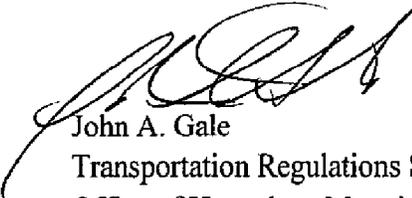
This is in response to your letter dated May 3, 2000 regarding the definition of a hazardous substance under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

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 dichlorvos (4.65 percent concentration) in a package weighing 37.20 pounds (5 gallons). To meet the definition of a hazardous substance, the quantity of dichlorvos must equal or exceed 10 pounds and 0.02 percent concentration by weight. Your 5 gallon package contains only 1.73 pounds of dichlorvos and, therefore, does not meet the definition of a hazardous substance.

I hope this satisfies your request.

Sincerely,



John A. Gale

Transportation Regulations Specialists  
Office of Hazardous Materials Standards



000135

171.8



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*Gale*  
*00-0135*

## TELEFAX

Date: May 3, 2000

Company: U.S. Department of Transportation Telefax No.: (202) 366-3012

Attn.: Edward T. Mazzulo

Total Pages Including This Cover: 1

From: John Shore, Jr.

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Message:

Dear Mr. Mazzulo,

*Per your*  
*Package containing a*

My question to you is, if I were hauling on the highways a 5-gal pail with a solution that has 4.65% Dichlorvos in it, would I be required to have RQ on the hazard description on the 5-gal pail?

1-gallon of this solution weighs 7.44 lbs.

5-gal pail of this solution weighs 37.20 lbs.

*1.73 lbs*

Dichlorvos - Reportable quantity is 10 lbs.

I need a letter or fax from the Department of Transportation answering this question for a court appearance which is May 15, 2000.

Thank you,

IF TOTAL NUMBER OF PAGES ABOVE WAS NOT RECEIVED,  
PLEASE CALL (209) 634-2144

FACSIMILE (209) 667-0316