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

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

SEP 24 2001

Ref. No. 01–0231

Mr. Steven Charles Hunt
ShipMate, Inc.
18436 Hawthorne Blvd.
Suite 201
Torrance, CA 90504

Dear Mr. Hunt:

This is in response to your August 23, 2001 letter concerning differing test results for determining the class and packing group of 42% metam sodium solution under the Hazardous Materials Regulations (HMR; 49 CFR Parts 170 - 185). Specifically, you ask which test results performed for determining the packing group of your material should be used: the Corrositex test performed under exemption DOT-E 10904, resulting in a Packing Group II designation; or the skin necrosis test performed in accordance with § 173.137, resulting in a Packing Group III designation.

In this instance, either test by itself is sufficient to determine whether the material meets the definition of a corrosive and to determine the packing group for the material. Since use of the skin necrosis test is specified in the regulations in § 173.137, the results of that test may be used and the material may be transported as a Packing Group III corrosive material. Alternatively, the test authorized under DOT-E 10904 may be used and the material may be transported as a Packing Group II corrosive material.

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

Sincerely,

Edward T. Mazzullo

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

173.137

010231

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Johnsen
§173.137
Packing Group
01-0231

August 23, 2001

Mr. Edward T. Mazzullo
Chief, Standards Branch
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

Subj: Request for Letter of Interpretation

Dear Mr. Mazzullo:

Steven Charles Hunt, ShipMate, Inc., on behalf of the Petitioner, Amvac Chemical Corporation, 4100 East Washington Blvd., Los Angeles, CA 90023-4406, is submitting this request for a letter of interpretation.

The Petitioner respectfully requests a Letter of Interpretation regarding the assignment of packing group for a 42% metam sodium solution. The Petitioner understands that it is their responsibility to classify the goods and assign the packing group; however, there appears to be a difference of opinion between the parties in this case. On one hand, the Petitioner believes that the results of the skin necrosis test should prevail (class 8, PG III), while the other party in this case believes that the results from the Corrositex test should prevail (class 8, PG II).

I spoke briefly with Dr. Richard Tarr (August 23, 2001) regarding this issue and my understanding from our conversation is that the rabbit skin necrosis and Corrositex test results are reliable when determining whether or not a material is corrosive, but that the Corrositex test result is not as reliable as the rabbit skin necrosis results in assigning the appropriate packing group to the corrosive substance.

Accordingly, the Petitioner requests an interpretation as to whether the results from the rabbit skin necrosis test are sufficient to classify the substance and to assign the appropriate packing group.

The Petitioner respectfully requests your guidance, as it will have a significant impact. The Petitioner stated that more than 50% of the metam sodium to be applied this autumn in the Pacific Northwest would be shipped in September 2001. Accordingly, the Petitioner requests expedited processing of their request.

I have provided additional background information and a summary of the test results as well as copies of the test results for the product in question. If I may be of additional assistance, please call.

Background

Amvac Chemical Corporation (A) manufactures 42% metam sodium solution in a batch process at various locations. A second company, Tessenderlo Kerley, Inc. (B), manufactures 42% metam sodium solution for Amvac Chemical Corporation, also in a batch process. Tessenderlo Kerley (B) also manufactures 42% metam solution in a batch process for distribution to their customers. A third company, Buckman (C) also manufactures 42% metam sodium solution by batch process in various locations for distribution to their customers.

The product manufactured at each of the locations mentioned has been tested using the skin necrosis test outlined in 49 CFR §173.136 and/or the Corrositex method under DOT Exemption, DOT-E 10904. A summary of the test results is shown in Enclosure (1).

Discussion

The results of the rabbit skin necrosis test, taken at various times, for various batches, and by various laboratories (at least seven different tests since 1989), clearly show that the results are either: (1) non-corrosive; or (2) corrosive, packing group III.

Three separate tests using the Corrositex test method have produced a packing group II result. When questioned, In Vitro International, manufacturer of Corrositex, stated that their test results were quite often more conservative for packing group assignment than the rabbit skin necrosis test.

I called Dr. Richard Tarr on August 23, 2001 to obtain his opinion. My understanding from our conversation is that the Corrositex test was good at obtaining a corrosive versus non-corrosive result, but that the Corrositex results for packing group assignment were not as reliable as the rabbit skin necrosis test results.

Accordingly, the Petitioner believes that the product in question, 42% metam sodium solution, should be appropriately classified as a corrosive material and assigned to packing group III.

Given that the assignment of packing group is based on the rabbit skin necrosis tests, could the rabbit skin test packing group results be used instead of the results of an alternative test that is not considered to be as reliable, provided there is no difference in classification?

If I may be of assistance in any way, please call. We look forward to your favorable response.

Respectfully,

Steven Charles Munt
ShipMate, Inc.

cc: Mr. Doug Ashmore/Amvac Chemical Corporation