

Mar 21, 2003

Mr. William L. Mobeck
Sea Sweep, Inc.
2305 S. Syracuse Way, Suite 5
Denver, Colorado 80231

Reference No. 03-0008

Dear Mr. Mobeck:

This is in response to your facsimile dated January 6, 2003, requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to your product, Sea Sweep (wood chips) a by product of saw dust. In your letter you provided a copy of the Material Safety Data Sheet (MSDS) for our review. You stated that the MSDS for this material indicates that it is not hazardous. However, the Port Authority in Spain has requested a UN number for your product.

Under § 173.22, it is the shipper's responsibility to properly classify a hazardous material. This office does not generally perform this function. However, if a material does not meet one or more hazard class criteria in Part 173, and is not a hazardous substance, hazardous waste, or marine pollutant, it is not subject to the HMR. Therefore, based on the information you provided it is our opinion that Sea Sweep is not subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance

Sincerely,

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

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