



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAY 23 2006

Mr. David J. Hrina
Buckingham, Doolittle & Burroughs, LLP
50 S. Main Street P.O. Box 1500
Akron, OH 44309-1500

Ref. No. 06-0091

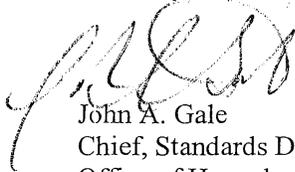
Dear Mr. Hrina:

This is in response to your April 12, 2006 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to rubber chemicals.

Under § 173.22, it is the shipper's responsibility to properly class and describe a hazardous material. Such determinations are not required to be verified by this Office. According to your letter, the chemicals, which are hazardous materials in their pure powder form, are offered for transportation in a polymerically sealed binder material. You state that when sealed in the binder material the materials are insoluble in water and do not meet any of the hazard class definitions in Part 173. 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.

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

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060091

172.101
173.22



BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP
 Attorneys & Counselors at Law
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*Leary
 § 172.101
 Applicability
 06-0091*

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April 12, 2006

VIA REGULAR U.S. MAIL

U.S. Department of Transportation
 Pipeline and Hazardous Material Safety Administration
 Office of Hazardous Materials Standards
 Attn: Ed Mazzullo
 400 7th Street, S.W.
 Washington, D.C. 20590

Re: Request for Interpretation

Dear Mr. Mazzullo:

The undersigned and the law firm of Buckingham, Doolittle & Burroughs, LLP represent a company that desires to ship rubber chemicals that in their pure powder form are DOT hazardous materials. These chemicals are now bound in a polymerically sealed binder. I understand that the polymeric binder containing the DOT Hazardous Materials, specifically: Thiram, or Di-O-Tolylguanidine, or Zinc Dimethyldithiocarbamate in pellet form (collectively, the "Products"), is insoluble in water. According to 49 C.F.R. §172.101, Appendix A, the reportable quantity ("RQ") for Thiram is 10 lbs., and the reportable quantity for Zinc Dimethyldithiocarbamate (Ziram) is 1 lb.

In the above described pellet form, I understand that the Products are neither flammable, toxic, corrosive, combustible, nor present a hazard to the environment through leaching.

We respectfully request your office's opinion as to whether the Products must be shipped as DOT hazardous materials. Further, if the Products are deemed DOT hazardous materials, can our client ship the Products as non-hazardous if the Products are shipped in quantities below the RQ?

Please feel free to contact me if you have any question or require additional information to complete your analysis.

Very truly yours,

David J. Hrina
 DJH:jld