



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

OCT 3 2006

Mr. Richard W. Hoffman, Jr.
Director of Chemical Operations
Hydrol Chemical Co., Inc.
520 Commerce Drive
Yeadon, Pennsylvania 19050

Ref. No.: 06-0121

Dear Mr. Hoffman:

This responds to your letter dated May 4, 2006 regarding classification of your company's embalming products containing various concentrations of Formaldehyde, and whether they may be reclassified and described as a Consumer commodity, ORM-D in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The products are used for the preparation and disinfection of human remains.

According to your letter, Hydrol Chemical Company, Inc., packages a range of embalming fluid products that contain Formaldehyde in various concentrations, mixed with Methanol and Glycerine components. The Formaldehyde (F) and Methanol (M) ranges, with associated flash points, are as follows:

Grouping # 1 – (F) 4% to 11%, (M) 4% to 19%, flash point 140°F to 145°F TCC
Grouping # 2 – (F) 11% to 50%, (M) 5% to 40%, flash point 80°F to 130°F TCC
Grouping # 3 – (F) 21% to 36%, (M) 15% to 19%, flash point 126°F to 136°F
TCC

These embalming fluid products are packaged in 473 ml (16 fluid ounces) polyethylene bottles, with polypropylene caps (polyester lined). The bottles are packed 24 to a case, and vary in weight from 28 pounds (12.7 kg) to 36 pounds (16.3kg). The package is a combination packaging marked – UN 4G/Y16.3/S/02/USA #AG 0619. These products are classified and described as "Flammable liquid, n.o.s, Class 3, (Formaldehyde, Methanol), UN 1993, PG III" and shipped as a limited quantity under § 173.150 of the HMR.

Based on the information provided, your company's products that have a flash point of 141°F or below meet the definition for a Class 3 (flammable liquid) material. However, as specified in § 173.120(b)(2), a flammable liquid with a flash point at or above 38°C (100°F) that does not meet the definition of any other hazard class may be reclassified as a



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173.150
173.120(b)(2)

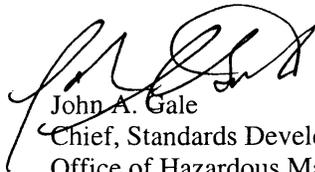
combustible liquid. A combustible liquid in a non-bulk packaging that is not a hazardous substance, hazardous waste, or marine pollutant is not subject to the HMR for purposes of transportation in commerce (see §§ 173.120(a) and (b) and 173.150(f)).

Formalin (10% Formaldehyde solutions) does not meet the criteria for either of the entries for "Formaldehyde" in the §172.101 Table. However, the acute effects of Formaldehyde solutions have been well documented. Based on the definition for a Class 9 material in the HMR, it is the opinion of this Office that "10% Formaldehyde solution" meets the definition of a Class 9 material in §173.140 and is subject to regulation when transported by aircraft. The appropriate shipping description is: "Aviation regulated liquid, n.o.s. (Formaldehyde), 9, UN 3334, III." In §172.102, Special Provision "A35" applies to shipments by aircraft.

Generally, a consumer commodity, as defined in § 171.8, is a material that is packaged and distributed in a form intended or suitable for retail sale to consumers even if not specifically so intended and that, may, in fact, be used in some other fashion. A Class 3 (flammable liquid) material packaged for shipment in accordance with the limited quantity provisions in § 173.150 that meet the definition of a consumer commodity may be renamed "Consumer commodity" and reclassified as ORM-D material. Packages containing an ORM-D material must be marked in accordance with § 172.316. Based on the information provided in your letter, it is the opinion of this Office that your products may be transported as consumer commodities.

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

Sincerely,



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



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520 Commerce Drive
Yeadon, Pennsylvania 19050
Phone 1-610-622-3603
Call Toll Free 1-800-345-8200
Fax 1-610-284-4448

May 4, 2006

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. Department of Transportation / PHMSA (PHH-10)
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Engrum
§ 173.150
§ 173.120
Classification
06-0121

Dear Mr. Mazzullo,

Your name was provided to Hydrol Chemical Company as the U.S. DOT contact to communicate with in regards to receiving clarification of the interpretation of shipping classification for embalming fluid products. Specifically, I refer to the attached written communication from U.S. DOT / FMCSA Hazardous Materials Specialist, Mr. Joseph P. Shea, to Hydrol Chemical Company concerning this matter. This communication contains a letter, U.S. DOT Ref. No. 03-0073, addressed to Mr. John R. Jackson, Vice President of The Embalmers' Supply Company, discussing the shipping classification of their embalming fluid products.

Hydrol Chemical Company packages a range of embalming fluid products that contain formaldehyde in various concentrations, along with methanol and glycerine components, for the preparation and disinfection of human remains, as does our competitor: The Embalmers' Supply Company. For comparative purposes, I am providing you with pertinent data concerning our line of products. Our products contain formaldehyde (F) and methanol (M) ranges, with associated flash points, as follows:

Grouping #1 – (F) 4% to 11%, (M) 4% to 19%, flash point 140°F to 145°F TCC

Grouping #2 – (F) 11% to 50%, (M) 5% to 40%, flash point 80°F to 130°F TCC

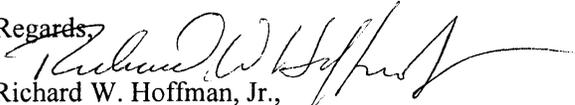
Grouping #3 – (F) 21% to 36%, (M) 15% to 19%, flash point 126°F to 136°F TCC

Hydrol embalming fluid products are packaged in 473 ml (16 fluid ounces) polyethylene bottles, with polypropylene caps (polyester lined). The bottles are packed 24 to a case, and vary in weight from 28 pounds (12.7 kg) to 36 pounds (16.3 kg). The package is a combination packaging marked – UN 4G / Y16.3 / S / 02 / USA + AG 0619.

The composition and packaging of embalming fluid products are essentially standard across the funeral supply industry, varying minutely in composition, subsequent concentrations of components, and packaging used for shipment – from manufacturer to manufacturer. Suffice it to say, the same interpretation of shipping classification of embalming fluid products received by The Embalmers' Supply Company from the U.S. DOT should be applicable to all manufacturers of these types of products.

Hydrol Chemical Company classifies its embalming fluid products as Class 3 flammable liquids. Specifically: Class 3, Flammable Liquid, N.O.S., (Formaldehyde)(Methanol), UN 1993, PG III, under the limited quantity provisions in HMR; 49 CFR Part 173.150 for a Class 3 flammable liquid as defined in Part 173.120. We respectfully request that you review our embalming fluid product data relating to our ability to reclassify these products as Consumer Commodity, ORM-D, as does our competitor, The Embalmers' Supply Company. Hydrol Chemical Company would like to request a letter clarifying the interpretation of proper shipping classification of embalming fluid products to insure that our company meets all applicable regulations set forth in HMR; 49 CFR Parts 171-180). We appreciate any guidance you can provide us concerning this matter.

Regards,



Richard W. Hoffman, Jr.,
Director of Chemical Operations,
Hydrol Chemical Company