



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

SEP 24 2007

Dr. Lilly Langer
106 Sandy Creek Trail
Chapel Hill, NC 27514-5939

Ref. No. 07-0111

Dear Dr. Langer:

This responds to your electronic mail request requesting clarification on whether your LUKAS Berlin Water Mixable Artists' Oil Colours, art. no. 0808-0990, with a flashpoint of 313°C - 315°C is regulated under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you would like a letter confirming your conclusions that these materials are not hazardous and, therefore, should not be confiscated by Transportation Security Administration (TSA) officials when placed in your checked baggage.

Under § 173.22 of the HMR, it is the shipper's responsibility to properly classify a hazardous material. Generally, this office does not perform that function. However, based on the information you provided, we agree that these oil paints do not meet the flammable or combustible liquid criteria found in § 173.120 of the HMR. Further, after reviewing the material safety data sheet (MSDS) you provided for the paints, we do not believe that they meet any of the hazard classes defined in Part 173 of the HMR.

TSA is the agency responsible for security in all modes of transportation, including civil aviation, and has the authority to restrict passengers from carrying materials perceived as security threats. Therefore, TSA officials may confiscate materials that they believe to be security risks even if the materials are not classified as hazardous under the HMR. We recommend that when placing your oil paints in your checked baggage that you inform the carrier's agent when checking in for your flight and that you pack them with a copy of the MSDS and this letter.

I trust this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



070111

173.21
173.120
175.10

Stevens
 \$172.101
 \$175.10
 Air
 07-0111

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Thursday, June 07, 2007 8:54 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: request for formal interpretation
Attachments: SDB0800E.pdf; SDS0800USA.pdf; ATT1312990.htm

Request for formal interp. -RB 6/7/07

From: Langer Lilly [mailto:lillylanger@bellsouth.net]
Sent: Wednesday, June 06, 2007 8:53 PM
To: INFOCNTR <PHMSA>
Subject: request for formal interpretation

Dear DOT Representative,

I am an artist and would like to continue to travel to paint in various locations around the US and Europe. After speaking on the phone with your hazard materials representative on 6/4/07 and explaining that although I included the product safety information in my luggage with my artist colors, they were removed from by checked suitcase by the airlines without any indication that they had done so. Since the information provided indicated that they were not hazardous, your representative said that they should not have been removed and suggested, based on the information I included below, that I write to you and request a "Formal Interpretation" document from you to include with my colors next time I travel.

I look forward to receiving the document as soon as possible. Artists have always been able to travel the world in order to paint beautiful sites. However, without the ability to take their oil colors with them, this will no longer be possible. I can tell you that all the artists I know are now faced with the dilemma of having with their easels, brushes and canvases but NO artist oils when they get to their painting locations! (notwithstanding the loss of their huge financial investment in their oil colors) and would appreciate your checking into this matter and alleviating the problem.

The US Department of Transportation defines "flammable liquids" as those with a flash point of 140 F. This Lukas product has a flash point of 595.4 degrees Fahrenheit (or 313 degrees Centigrade). Hence, THEY ARE NOT HAZARDOUS. The information that I have included below is only the information that I felt was relevant to airline travel that was sent by the Lukas representative based on their Safety Data Sheet (2001/58/EG) dated 9/1/05.

A check of additional manufacturers of artist grade oil colors shows that they are based on vegetable oil with a flash point at or above 450 degrees (see manufacturers: eg., Gamblin and Winsor Newton).

6/7/2007

Thanks in advance,

Dr. Lilly Langer

Begin forwarded message:

From: "Lukas, Ddf. / Ingo Sprenger" <ingo.sprenger@lukas-online.com>
Date: June 5, 2007 2:52:45 AM EDT
To: "Langer Lilly" <lillylanger@bellsouth.net>
Subject: **AW: product safety data**
Reply-To: <ingo.sprenger@lukas-online.com>

Dear Dr. Langer,

Our safety data for LUKAS BERLIN Trade name Water Mixable Artists' oil colors (art.no0808-0990) indicate that they not dangerous according to the transport regulations (GGVS/GGVE/RID/ADR/IMDG Code/ICAO-TI.). Based on information available to us, this product is not a hazardous substance in the meaning of the law on chemicals or the regulations on hazardous substances in the version which is currently valid. The base is vegetable oil (sunflower and linseed). The flash point is 313-315 degrees Centigrade. But ask your airline before the flight. It seems, that some airlines have stricter rules than other.

Kind regards
i.A.

Ingo Sprenger

LUKAS Künstlerfarben
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Harffstraße 40
40591 Düsseldorf

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Tel.: 0211 / 78 13 - 44

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www.lukas-online.com
www.lukas-germany.de
www.lukas.eu

Tel.: 0049 211 7813 0
Fax: 0049 211 7813 24
E-Mail: mail@lukas-online.com

6/7/2007

Dr. Fr. Schoenfeld GmbH & Co., Harffstr. 40, 40591 Düsseldorf,
vertreten durch die Heusgen Talbot GmbH HRB Nr. 26461 Amtsgericht
Düsseldorf, diese wiederum vertreten durch den Geschäftsführer Hubertus
Heusgen oder seine Stellvertreter:
Bent Breede, Stephanie deLuca-Wirtz, Gabriele Domin, Wolfgang Faller, Dr.
Annette Kleine,
Sitz Düsseldorf HRA Nr. 12 Amtsgericht Düsseldorf.

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internet is insecure because third parties may have the possibility to
access and manipulate e-mails.

-----Ursprüngliche Nachricht-----
Von: Langer Lilly [mailto:lillylanger@bellsouth.net]
Gesendet: Dienstag, 5. Juni 2007 02:39
An: annette.kleine@lukas-online.com
Betreff: product safety data

Dear Dr. Kleine,

I would appreciate your sending me the product safety sheet with
regard to your oil paints and also you Berlin water-mixable oils. I
have recently returned from a flight from Italy to the US and the
airlines confiscated my Winsor Newton water mixable paints as they
believed they were a safety hazard. I included the flash points of
the product but they disregarded it and took the paint anyway. I
have ordered Lukas Berlin water mixable paints to replace the ones
that were taken, however, I want to avoid the problem of having them
confiscated again when traveling by air.

Is there an official document with which you could provide me? I

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have spoken to the U.S. Hazardous Materials Information Center and they said that if I provide them with a letter and information from the manufacturer that the paints are not flammable or not flammable at a low flashpoint, they would provide me with an official letter to include with the paints. It is so frustrating to get to one's painting destination with all the equipment with which to paint and not have any paints.

I would greatly appreciate your assistance in this matter as soon as possible.

Thanks in advance,

Dr. Lilly Langer

6/7/2007