



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 8 1999

Mr. Michael Culliton
V.P. Human Resources
Brent Industries Inc.
P.O. Box P
Brent, AL 35034

Ref. No. 99-0016

Dear Mr. Culliton:

This is in response to your letter dated January 20, 1999, regarding the classification of print towels that are soiled with flammable liquids.

Under 49 CFR 173.22, it is the shipper's responsibility to properly classify a hazardous material. This Office does not perform that function. If the soiled print towels do not meet any of the hazard class definitions provided in Part 173, they are not regulated under the HMR. If free flowing liquid can be seen surrounding the print towels, these materials may meet the definition of a flammable liquid in 49 CFR 173.120. If there is no free liquid surrounding the print towels, they may meet the definition of a flammable solid in 49 CFR 173.124.

The entry "Solids containing flammable liquids, n.o.s." in the Hazardous Materials Table, 49 CFR 172.101 lists Special Provision 47 in Column 7. Under special provision "47", mixtures of solids (e.g., print towels) which are not subject to the HMR and flammable liquids may be transported under the entry "Solids containing flammable liquids, n.o.s., 4.1 UN3175, II, without first applying the classification criteria of Division 4.1 (flammable solid), provided there is no free liquid visible at the time the material is loaded or at the time the packaging or transport unit is closed.

Conversely, a person may determine that a mixture of a solid material and a flammable liquid does not meet the definition of Division 4.1 (flammable solid). Because there is no specific test protocol that may be used to evaluate an article like a print towel that is soiled with a flammable liquid, the person classifying the material may make that determination by comparing it to an analogous material or article. A representative article that print towels may be compared to is "Firelighters, solid with flammable liquid, 4.1, UN2623, III." If the print towels offered for transportation demonstrate a burning rate that is comparable



990016

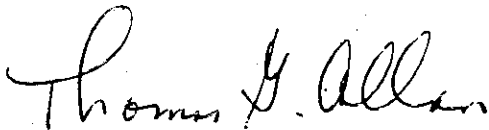
173.22

to or greater than that of a firelighter, it is the opinion of this Office that they meet the definition of a flammable solid. However, if the print towels fail to sustain combustion after being ignited they are not subject to requirements of the HMR as a flammable solid.

We would appreciate receiving any information you have relative to the incidents mentioned in your letter involving uncontainerized print towels. Also, we have enclosed a brochure on the Hazardous Materials Registration Program. If upon review of this brochure you are still uncertain as to the applicability of the registration requirements in 49 CFR 107.601 to your company you may call us at 1-800-467-4922.

I hope this satisfies your inquiry.

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Allan".

Thomas G. Allan
Acting Director, Office of Hazardous
Materials Standards

Enclosure



Route 2, Box 6
P.O. Box P
Brent, AL 35034

Gale
\$ 173.22
99-0016
205-926-4801
800-741-4568
FAX 205-926-GLOVE
e-mail: brentind@dbtech.net
<http://www.brentind.com>

January 20, 1999

Mr. Edward T. Mazzullo
Director OHMS/USDOT
400 7th Street S.W.
Washington, D.C. 20590

Dear Mr. Mazzullo,

Last month I met with Mr. John Gale to discuss regulatory issues pertinent to the trucking department of Brent Industries, Inc.. Mr. Gale suggested that I correspond with you so that interpretations of relevant regulations could be addressed and possibly clarified. I have enclosed some information for your reference that will explain about our Corporation, our processes, and provide the background necessary to understand why the questions posed in this correspondence are important for us.

The issues relevant to our trucking department revolve around the characterization of solvent laden textiles used in the printing industry, commonly referred to as soiled print towels. Approximately 31% of our business is the processing of soiled print towels, 5% we own and rent to our customers and 26% belong to other textile rental companies that service their customers with print towels which they own and we clean. In turn, this 31% of our business is transported to and from our facilities in our vehicles. We are the transporter. Our customer is the shipper. It is the responsibility of the shipper to properly characterize, label, and mark the shipment.

Brent Industries, Inc. believes that soiled print towels are "Solids containing flammable liquid, n.o.s., 4.1, UN 3175, PGII", and we refuse to transport soiled print towels that are not sealed in DOT spec. II containers. Since we have implemented this designation on our customers, the shipper, we have lost business and some we cannot gain, because of our interpretation. We have nothing to refer to that would support our determination in the regulations, although common sense and experience would seem to mandate some understanding of our position.

We've Got Hands On Experience!

We believe that solvent laden wipers, and particularly soiled print towels, are "Solids containing flammable liquid, n.o.s., 4.1, UN 3175, PGII" for a number of reasons. The characteristic of ignitability is present; the autoignition of uncontainerized soiled print towels was the cause that resulted in the destruction by fire of three industrial laundries in 1998. Also in the recent past, vehicles have burned on highways for the same reason.

By referencing the "Environmental Assessment Of Shop Towel Usage In The Automotive And Printing Industries" (See Enclosure A) the major constituents in print towels after use can be determined. Specifically Acetone, Alcohols n.o.s., Amines, Benzene, Ethanol, Ethyl Methyl Ketone, Ethylbenzene, Heptane, Hexane, Isocyanates, Isopropanol, Ketones Liquid n.o.s., Methanol, Methyl Isobutyl Ketone, Petroleum Distillates n.o.s., Terpene Hydrocarbons n.o.s., Toluene, and Xylenes are listed in the Hazardous Material Table 172.101 as Flammable Liquids. There are 44 identified major constituents, but by removing the 5 heavy metals, there are 39 major liquid constituents. Of the 39 major liquid constituents, 20 or 51.2% are listed as Flammable Liquids. Amongst the Press Cleaners, 12 of 18 or 66% are listed as Flammable Liquids. Under the Ink/Varnish category 8 of 21 or 38% are listed as Flammable Liquids. Our concern is that due to the mixing of towels after use, and the unavoidable mixing of constituents during storage, a mixture, ratio, or blend of flammable liquids is created. This unknown has undetermined properties and flashpoint which can, under unknown circumstances, act or react in an unpredictable manner.

Brent Industries, Inc. believes that a towel is classified as a solid because "Solid means a material which is not a gas or liquid". Brent Industries, Inc. knows that soiled print towels contain some mixture, ratio, or blend of Hazardous Materials, listed on the Hazardous Material Table 172.101 as Flammable Liquids. Brent Industries, Inc. believes that since the mixture, ratio, or blend of flammable liquids is indeterminate, n.o.s. does apply.

Brent Industries, Inc. would like to know:

Are solvent laden wipers, particularly soiled print towels, "Solids containing flammable liquid, n.o.s., 4.1, UN 3175, PGII"? ✓

If solvent laden wipers, particularly soiled print towels, are not "Solids containing flammable liquid, n.o.s., 4.1, UN 3175, PGII", why not? ✓

If solvent laden wipers, particularly soiled print towels, are not "Solids containing flammable liquid, n.o.s., 4.1, UN 3175, PGII", what are they? ✓

Will there be a determination in the future in regards to textiles other than solvent laden wipers or soiled print towels (i.e. sorbents, booms, pads, etc.) that contain constituents listed in 172.101 as Flammable Liquids?

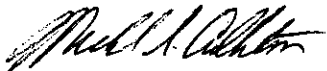
If a rate of burn test and a determination on the absence of free liquids is a factor in a DOT interpretation, would you accept our assistance in a cooperative effort?

Do we need to register as a Haz-Mat Transporter pursuant to 49CFR Subpart G 107.601?

Brent Industries, Inc., in conjunction with our insurance carrier Liberty Mutual Insurance Group, is currently conducting testing at our Brent, Alabama facility to determine VOC content in the soiled print towels we receive. As the results are compiled, we would like to extend the courtesy of providing you with this information and any other factual documentation we may have.

If you have any further questions or concerns, please contact me at your convenience.

Sincerely,



Michael S. Culliton
V.P. Human Resources

CC: Corporate Officers
James O'Leary EPA/OSW
Robert Maxey EPA/OSW
Kevin Housman Liberty Mutual Insurance Group