



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials Safety
Administration**

JAN 30 2006

Ref. No. 05-0317

Jerry Jones, Ph.D.
Director, Manufacturing/
Organic Synthesis
Chemic Laboratories, Inc.
480 Neponset Street Bldg. 7
Canton, MA 02021

Dear Dr. Jones:

This responds to your letter dated December 19, 2005, regarding the classification of your company's product under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the classification of your product would change under the HMR after additional constituents are added to its original formulation.

The original product formulation is described as "Resin solution, *flammable*, Class 3, UN1866, PG II," a solution containing approximately 50% ethanol, to which you add five additional non-hazardous constituents. You state that the specific gravity, vapor pressure, and flash point of the original formulation is not altered when the additional constituents are added and that the new formulation is compatible with its original packaging. You intend to re-ship the new formulation in its original packaging.

In accordance with § 173.22 of the HMR, it is the shipper's responsibility to properly class and describe a hazardous material for transportation. This Office does not perform that function. However, it is our opinion that the altered formulation of the product your company receives does not change the original classification of that product and therefore, it may continue to be described as "Resin solution, *flammable*, Class 3, UN1866, PG II."

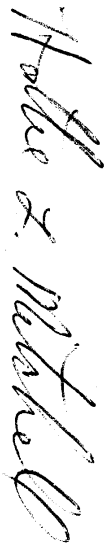


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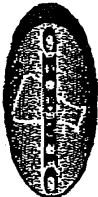
172.101(b)(16)

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

Sincerely,

A handwritten signature in cursive script, reading "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

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



FACSIMILE TRANSMISSION COVER

*Stevens
8172-10110 (10
classification
08-12317*

DATE: December 19, 2005

TO: Office of Hazardous Materials Technology
PHH-20
US Department of Transportation
400 7th St., S.W.
Washington, DC 20590-0001
Fax: 202-366-3650
Phone: 202-366-4545

FROM: Jerry Jones, Ph.D.
Director, Manufacturing/Organic Synthesis
Chemic Laboratories, Inc.
Fax: 781-821-5651
Phone: 781-821-5600 x209
gsj@chemiclabs.com

Number of pages (including cover page): 2

Urgent Routine Reply requested No

Dear Sir/Madam:

I am seeking guidance in regard to product characterization and HazMat classification according to CFR49. I have communicated my request by voice mail at 202-366-4545 (12/14/05), but have yet to be contacted. The background information can be found on the following page.

Thank you.

The information contained in this facsimile is privileged and confidential information and is intended only for the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution copying of this communication is strictly forbidden. If you have received this communication in error, please notify Chemic Laboratories, Inc. by telephone and return the original message by US postal service at the following address:

Chemic Laboratories, Inc.
480 Neponset Street - bldg. 7
Canton, MA 02021
Phone: (781) 821-5600

December 19, 2005

Chemic Laboratories, Inc. is a full-service CRO, and small-scale manufacturer. We have been asked to scale-up an R&D formulation, which was developed in-house, and then ship the formulation within the US. In order to manufacture the formulation as efficiently as possible, while keeping equipment costs at a minimum, we would like to prepare the final formulation in a 55 gal drum, in which the primary ingredient in the formulation is received.

Specifically, the final formulation consists of ~90% Gantrez ES-225 solution, which is classified as "resin solution, *flammbale*" (UN1866). The remaining components in the formulation include supplemental ethanol (~5%) (Note: Gantrez ES-225 solution is 50% ethanol), fumed silica (~5%), and four additional ingredients, none of which appears in the 172.101 Hazardous Materials Table, and none of which is present in the formulation at >0.2% w/w.

Chemic would like to prepare the formulation in the 55 gal drum in which Gantrez ES-225 solution is packaged, then ship the formulation in the original Gantrez ES-225 container. The physical properties of the final formulation (density, flash point, vapor pressure) are not believed to be significantly different from those of the Gantrez FS-225 solution, and none of the additional ingredients is believed to be incompatible with the Gantrez ES-225 container.

It seems that this situation may be covered in 172.101(c)(10), but it is not clear what the preferred shipping name should be. We would appreciate your guidance in this matter.