



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

OCT 3 2008

Ms. Erin N. Jarman  
Environmental Scientist  
URS Corporation  
1600 Perimeter Park Drive  
Morrisville, NC 27560

Ref. No.: 08-0222

Dear Ms. Jarman:

This responds to your August 28, 2008 request for clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for further clarification of a letter of interpretation that was issued to Mr. Henry L. Longest II, Acting Assistant Administrator of the U.S. Environmental Protection Agency on February 13, 2003 (Reference No. 02-0093). In that letter, PHMSA stated:

“Based on test results, it is the opinion of this office that the environmental samples containing the following “upper limit” concentrations: 0.28 weight percent Nitric acid, 0.38 weight percent Sulfuric acid, 0.15 weight percent Hydrochloric acid and 0.20 weight percent Sodium hydroxide, do not meet the definition of corrosive material in § 173.136, and, therefore, are not subject to the HMR.”

Specifically, you ask if environmental samples preserved within the “upper limit” boundaries specified in the February 13, 2003 letter could be shipped as non-regulated materials, even when they are being shipped for reasons other than EPA testing.

The answer is yes. Samples preserved within the “upper limit” concentrations specified in the February 13, 2003 letter do not meet the definition of a corrosive material in § 173.136, and therefore, are not subject to the HMR. The interpretation applies to environmental samples being shipped for reasons other than EPA testing.

I hope this answers your inquiry.

Sincerely,

Susan Gorsky  
Acting Chief, Standards Development  
Office of Hazardous Materials Standards



August 28, 2008

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Dear Mr. Mazzullo:

I am writing to you with regards to a clarification on the definition of corrosive for the purposes of shipping samples preserved using various acids (nitric acid, sulfuric acid, and hydrochloric acid) and a base (sodium hydroxide). In an interpretation letter dated February 13, 2003 to Mr. Henry L. Longest II, Acting Assistant Administrator of the U.S. Environmental Protection Agency, it was stated that environmental samples which are preserved at the EPA prescribed preservation guidance concentrations are not corrosive materials and are therefore not subject to the HMR, even when reasonably over-preserved

If a sample is preserved within the same "upper limit" concentrations prescribed in the EPA preservation guidance, but are being shipped for reasons other than EPA testing, would the samples still be permitted to be shipped as non-regulated under the HMR?

Thank you in advance for your assistance. I look forward to your response.

Sincerely,

Erin N. Jarman  
Environmental Scientist

URS Corporation  
1600 Perimeter Park Drive  
Morrisville, NC 27560  
Tel: 919-461-1478  
Fax: 919-461-1371  
Erin\_Jarman@urscorp.com

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§171.8  
§173.136  
Definitions  
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