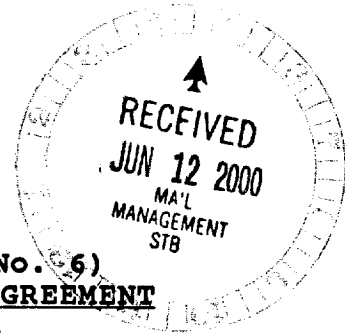


199013

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD



SECTION 5a APPLICATION NO. 61 (Sub-No. 6)
NATIONAL CLASSIFICATION COMMITTEE -- AGREEMENT

REBUTTAL COMMENTS OF
NATIONAL SMALL SHIPMENTS TRAFFIC CONFERENCE, INC.
AND THE HEALTH AND PERSONAL CARE DISTRIBUTION
CONFERENCE, INC.

ENTERED
Office of the Secretary

JUN 13 2000

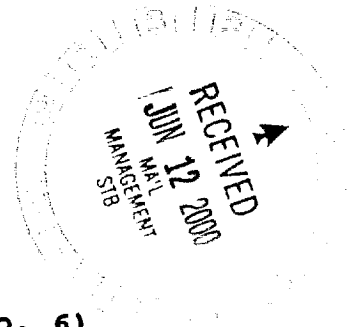
Public Record

John M. Cutler, Jr.
McCarthy, Sweeney & Harkaway, P.C.
Suite 600
2175 K Street, N.W.
Washington, DC 20037
(202) 393-5710

Attorney for National Small
Shipments Traffic Conference, Inc.
and The Health and Personal Care
Distribution Conference, Inc.

Dated: June 12, 2000

BEFORE THE
SURFACE TRANSPORTATION BOARD



SECTION 5a APPLICATION NO. 61 (Sub-No. 6)
NATIONAL CLASSIFICATION COMMITTEE -- AGREEMENT

REBUTTAL COMMENTS OF
NATIONAL SMALL SHIPMENTS TRAFFIC CONFERENCE, INC.
AND THE HEALTH AND PERSONAL CARE DISTRIBUTION
CONFERENCE, INC.

John M. Cutler, Jr.
McCarthy, Sweeney & Harkaway, P.C.
Suite 600
2175 K Street, N.W.
Washington, DC 20037
(202) 393-5710

Attorney for National Small
Shipments Traffic Conference, Inc.
and The Health and Personal Care
Distribution Conference, Inc.

Dated: June 12, 2000

**REBUTTAL COMMENTS OF
NATIONAL SMALL SHIPMENTS TRAFFIC CONFERENCE, INC.
AND THE HEALTH AND PERSONAL CARE DISTRIBUTION
CONFERENCE, INC.**

The National Small Shipments Traffic Conference, Inc. ("NASSTRAC") and The Health and Personal Care Distribution Conference, Inc. ("H&PCDC") (collectively, the "Shipper Conferences") respectfully submit their rebuttal comments in this proceeding, in response to the reply comments of the National Classification committee ("NCC") and to comments in support of NCC filed by various motor carriers.

I. SUMMARY OF COMMENTS TO DATE AND REBUTTAL COMMENTS

In their opening comments in this proceeding, the Shipper Conferences made three fundamental points in support of a number of suggested reforms in NCC's practices and procedures. The three fundamental points can be summarized as follows:

1. Times have changed. The trucking industry has been largely deregulated, the filed rate doctrine is gone, and shippers and carriers are able to resolve most matters privately, in the competitive marketplace, as Congress intended. For its part, the STB has fewer people and fewer resources. The Board also has significantly less jurisdiction over the reasonableness of motor carrier rates, but retains numerous other responsibilities.

There is a clear tension between these changes in law, policy and the market, and the trucking industry's ability to influence rates collectively, with antitrust immunity, through the NCC and rate bureaus.

2. Given the choice between close regulation of NCC practices and procedures, and structural reforms to minimize the possibility of abuse of NCC antitrust immunity, structural reforms are preferable. Shippers do not want to engage in perpetual disputes with the NCC, repeatedly arguing over transportation characteristics, appealing Panel decisions and protesting NCC actions to the Board. If the potential for bias in NCC procedures is minimized, freight classification may become less contentious and more useful to the transportation community as a whole.
3. Shippers' concerns about bias in NCC procedures are not unfounded.

A. Times Have Changed

In its comments, the NCC simply ignores the first of these fundamental points. There is no recognition of the impact of deregulation by the NCC, which evidently prefers to live in the past. Repeatedly, the NCC seeks to defend the status quo by citing

decisions from the era of pervasive regulation, some of which predate enactment of the Motor Carrier Act of 1935.

The NCC also continues to deny the connection between freight classification and freight rates. The NCC does not challenge the Conferences' explanation of contemporary motor carrier ratemaking based on discounting off class rates, which are determined by NCC commodity classifications. See the Conferences' opening comments at 6-11. It would be difficult for the NCC to deny these facts, since they were exhaustively detailed by the ICC in Investigation of Collective Ratemaking and Related Practices and Procedures, 7 I.C.C. 2d 388(1991). See also National Classification Committee v. United States, 22 F.3d 1174, 1175 (D.C. Cir. 1994), explaining the connection between classification and rates.

As a result, the NCC is left with the argument that a different group of trucking companies sets class rates. But the suggestion that the trucking industry's right hand does not know what its left hand is doing on so fundamental a matter as ratemaking is simply unbelievable. In any event, attempts by NCC to blame rate bureaus and individual carriers for the rate impacts of classification changes are not even technically valid. An upward reclassification will normally produce a higher class rate, and therefore a higher discounted class rate, even if rate bureaus and individual carriers take no action whatsoever.

Nowhere does the NCC deny the Shipper Conferences' contention that even contract rates eventually rise (normally in a year or less) when class ratings rise, or that NCC class rating changes

provide "cover" for individual carriers seeking to raise their rates. If freight classification were truly unrelated to ratemaking, the NCC would not need antitrust immunity, and most shippers would not care how it operates.

B. Structural Reforms Reduce the Need for Regulation

The NCC also ignores the Shipper Conferences' second fundamental point: that potential bias should be remedied through structural reforms rather than through pervasive regulation, and that it is better for NCC practices and procedures to be inherently more fair and objective, giving rise to fewer disputes, than to tolerate one-sided NCC procedures that lead to shipper suspicion and more frequent disputes.

The principle of neutral resolution of disputes among interested parties is deeply ingrained in American law. This principle leads to the appointment of unbiased judges, administrators and other public officials, including members of the STB. When such decisionmakers have a personal interest in the outcome of issues they must decide, they are expected to recuse themselves. Moreover, despite their lack of bias, judges and STB members are not free to act as they wish. They are bound by oaths of office, procedural statutes, rules of practice, rules of evidence, burdens of proof, and the obligation to follow precedent or explain their new approaches. They are also generally subject to appellate review, political accountability, or both.

The point bears repeating. In our system, we do not apply procedural safeguards only when we suspect the decisionmakers of

bias. Safeguards are applicable even when we are confident that the decisionmakers are unbiased, fair and objective, in order to guard against arbitrary or unprincipled action. In other words, while fair results are the ultimate goal, fair procedures for gathering information, for analyzing it, and for resolving disputes are also necessary. As the court observed in In re Asbestos Litigation, 90 F.3d 963, 1009 (5th Cir. 1996), "a substantively adequate result cannot cure procedural injustice."^{1/}

The need for fair procedures is particularly acute with respect to the NCC and freight classification. From beginning to end, all key decisions are made either by motor carrier members of the NCC or by members of the NCC Staff who work for the trucking industry. It is not good enough for NCC members and Staffers to assert their personal and institutional integrity, as they have done in this proceeding with vehemence (albeit in a somewhat orchestrated fashion).^{2/} Even if the Shipper Conferences were

^{1/} The court went on in a footnote to quote as follows from a law review article:

[D]ue process must mean something other than that the result is just, otherwise some lynchings would be consistent with due process. A "fairness" hearing that appraises a settlement made outside the court's presence only as to the substantive fairness of the terms provides no more process than would be provided by a post-lynching hearing that assessed whether the dead guy really did commit the crime.

^{2/} The letters supporting the NCC that were filed in the reply round of this proceeding by Yellow Freight System, Inc., Double D Express, Inc., and G.I. Trucking Company are, with minor variations, the same letter.

willing to concede that the present NCC members and staffers would never favor the carrier position or higher class ratings, even where the evidence for and against was evenly balanced (and the Conferences are not prepared to make that concession), we would still support reforms designed to reduce the possibility of bias.

There are certainly organized activities in which the possibility of bias is not a cause for great concern. However, NCC freight classification is not such an activity. Because it can involve price fixing by competitors through the trucking industry's system of charging discounted class rates, freight classification actions by the NCC could be seen as per se illegal, and a crime, but for the NCC's antitrust immunity.

As the Shipper Conferences have pointed out before, exemptions from the antitrust laws are strongly disfavored in American law, and there is a long line of cases requiring procedural safeguards for private groups of competitors even where their standard setting is unrelated to price-fixing. See, e.g., Silver v. New York Stock Exchange, 373 U.S. 341 (1963); American Society of Mechanical Engineers, Inc. v. Hydrolevel Corp., 456 U.S. 556 (1982) ("a standard-setting organization ... can be rife with opportunities for anticompetitive activity"); Indian Head, Inc. v. Allied Tube & Conduit Corp., 817 F.2d 938, 943-44 (2d Cir. 1987), aff'd. 486 U.S. 492 (1988). This bedrock legal principle is also simply ignored in the NCC's comments.

The Shipper Conferences have had their disputes with the NCC over the years, and the differences have continued during the

pendency of this proceeding, despite informal efforts to narrow those differences through negotiations. On the other hand, the Conferences recognize that there are people of goodwill on the NCC side in this dispute. See the Conferences' opening comments at 38 and reply comments at 5-6. We do not doubt that many of the NCC's present members strive to perform their obligations conscientiously. However, it is unwise, and inconsistent with the public interest and the national transportation policy, to rely on goodwill and personal integrity, rather than fair practices and procedures designed to minimize bias, for protection against potential abuse of the NCC's antitrust immunity.

Under the circumstances, the Board should adopt reasonable reforms that help reduce the risk of favoritism toward carrier interests, whether or not it concludes that the NCC's action raise issues of fairness. The Section 13703 Agreement that is approved and conditioned in this proceeding is likely to govern NCC motor freight classification, and the actions of new NCC members and Staffers, for the next five years.

C. Shippers' Concerns about the Status Quo Are Not Unfounded

The third fundamental point made by the Shipper Conferences -- that shippers have good cause to doubt the fairness of NCC freight classification procedures and practices -- has certainly not been ignored in the NCC's comments. The complaints of the Shipper Conferences, NITL and other shippers groups concerning the status quo are characterized as "untrue," "offensive," "preposterous," and "scandalous and impertinent," all in the first few pages of the

NCC's reply comments. With all due respect, this is simply table-pounding, and should be ignored by the Board.

Hyperbole aside, the NCC's case for preservation of the status quo rests on two propositions: that NCC freight classification determinations are unrelated to freight rates, and that under existing procedures, the NCC has not acted unfairly to shippers.

The first of these propositions is not only untrue, but absurd. The second is almost irrelevant. The Shipper Conferences will address in more detail later in these rebuttal comments NCC's claim that it has always treated shippers fairly and objectively, and that shipper dissatisfaction is entirely due to shippers' own failure to take advantage of NCC's open and "shipper-friendly" procedures. For now, suffice it to say that the Conferences and other shippers and shipper groups reject these claims.

The more important point, however, is that even if the NCC were as open and solicitous of shipper concerns as it claims to be, its procedures and practices do not go as far as they should in minimizing the possibility of bias. While the NCC is quick to argue that its procedures have not in fact resulted in favoritism or bias, the NCC makes little or no effort to argue that its procedures minimize the potential for abuse, or the danger that self-interest will favor the carrier position or an increased class rating.

To be sure, the NCC asserts repeatedly that bias would never be tolerated, and does not exist. The NCC also attacks the Conferences and other shippers and shipper groups for failing to

provide evidence of bias. In fact, this charge is both false, as shown below, and disingenuous, given the NCC's adamant refusal to disclose file documents and other relevant data. In any event, such statements do not establish that NCC's practices and procedures are as fair as they could be.

In addition, there are various forms of bias, and not all forms depend on favoritism by individuals. Systems and standards can also fall short of neutrality. An honest dealer with a stacked deck of cards does not provide a fair game. If improvements designed to make NCC classification more impartial are reasonable and practicable, they should be adopted.

Shippers can certainly understand the NCC's preference for the status quo. Control of freight classification gives NCC members significant influence over rate levels, under a system in which the Staff is answerable only to the carrier members, and members' decisions are reviewable only in STB investigation or complaint proceedings (except when the NCC Section 13703 Agreement comes up for agreements). Add antitrust immunity and deregulation, and the result is an arrangement that many other industries would envy. Promising to be fair to customers is a small price to pay for such extraordinary freedom of action, particularly if those in control of the process can thereby avoid the imposition of procedural safeguards for their customers.

But shipper concerns cannot be assuaged by carrier promises. We do not now have fair and practices and procedures, and the NCC's comments fail to make a convincing case against reform.

II. THE REFORMS PROPOSED BY THE SHIPPER CONFERENCES ARE REASONABLE AND JUSTIFIED

At pp. 1-2 of his Reply Verified Statement, NCC Executive Director Foley makes the following statement:

NASSTRAC, NITL, TCPC and HSIA's comments express very clearly that they really do not want reform in the classification system; they want it abolished one way or the other. Their preference is for the NCC's limited antitrust immunity to be repealed. Without their conceding that the STB is not empowered to grant, withdraw or reduce immunity, those shipper associations go on at length to urge the STB to impose such totally unreasonable, impractical, disruptive and unfair restrictions on the NCC as to make it impossible for NCC member carriers to classify motor freight collectively.^{3/}

This is more table pounding. The Shipper Conferences generally support NITL's comments, as well as the recommendations of HSIA. TCPC did argue strongly, in its opening comments, for termination of NCC's antitrust immunity, but took a more moderate position in its reply comments. As the Conferences stated at page 14 of their opening comments: "Ideally, the categorization of freight would in fact be objective and fair, and would generally be accepted as legitimate by carriers and shippers alike." It is this result, not destruction of the NCC, that the Conferences' proposals and those of other shippers and shipper groups were intended to bring about.

^{3/} The Shipper Conferences understand Mr. Foley's use of "NASSTRAC" as a shorthand reference to both Conferences, NASSTRAC and H&PCDC.

Are the Conferences proposals "totally unreasonable, impractical, disruptive and unfair," as the NCC claims, or would they help prevent bias? The same question should be asked with regard to the NCC's own proposals. In this section of these rebuttal comments, the Conferences will review the key areas of concern in NCC proceedings, and compare the reasonableness and efficacy of our proposals and NCC's. As will be seen, the Conferences' recommendations would improve freight classification, not abolish it.

A. Initiation of NCC Proceedings

The problem with the status quo as to the commencement of NCC classification actions is the imbalance between the burdens typically borne by carriers, who tend to be proponents of increases in class ratings, and the burdens typically borne by shippers, who tend to be opponents of higher class ratings.

As the Conferences understand the system, a single carrier may complain about a single low density shipment, and request a review. Evidently, the NCC Staff must then commence a research project. So far as the Conferences are aware, the requesting carrier need not supply proof of the need for reclassification of a commodity, though carriers can and do submit "Shipment Information Forms" describing the shipment on which they base their request for reclassification.

And, of course, the carrier's identity will be concealed from shippers. This is ostensibly to prevent "pressure" from the carrier's customers. Shippers cannot even find out if the

reclassification involves more than one carrier or shipment, let alone see the Shipment Information Form(s) received by the NCC.

In this way, one carrier that thinks a higher class rating is warranted, or just wants to charge higher rates, can put an entire industry at risk. The burden then shifts to shippers to justify the existing classification against challenges (and challengers) that are kept secret.

If shippers are contacted by the NCC Staff (which is not always the case, as shown by the rubber hose proceeding discussed below), the shippers face a dilemma. Lacking any information beyond the identity of the particular commodity in question, shippers may do nothing and (1) be criticized by NCC as uncooperative and (2) risk having the class rating of their shipments rise. Alternatively, each shipper may undertake an extensive study of the transportation characteristics of the freight, encompassing thousands of shipments over months or years, in hopes of avoiding higher class ratings and higher rates. These burdens are multiplied if an organization like NASSTRAC, H&PCDC, NITL or one of the other shipper associations is required to contact numerous shippers and provide the results of numerous studies. What often happens is that shippers wait to see what NCC has in mind, and then decide whether and how to respond to the perceived threat.

Note that under this system, the NCC Staff and members need not be personally biased. A single biased or mistaken carrier who spends five minutes writing to the NCC may start a proceeding that

leads to a commodity reclassification if shippers are not contacted, or do not respond, or do not provide enough data to rebut the secret data supplied by their anonymous adversary. To call this a shipper-friendly system is ludicrous.^{4/}

The Shipper Conferences have made a number of suggestions to deal with this problem, including a presumption in favor of existing class ratings, which could be overcome only through a showing of changed transportation circumstances. This could lead to fewer reclassification proceedings, in that it would be harder to change existing class ratings.

Shipper access to NCC files would clearly help. If the carriers who now complain were not confident of anonymity, they would be less likely to seek meritless or self-serving reclassifications of their customers' freight. Even if the identities of the complaining carriers were protected against disclosure, access to file data would allow shipper representatives to assess the data.

Contrary to NCC's claims, these proposals are intended only to prevent unfounded or inadequately supported classification change requests from putting shippers in an untenable position. The

^{4/} The NCC makes much of the ability of shippers to seek reclassification of their freight, but the vast majority of proposals originate with carriers. Most shippers never ask for any action by the NCC, and deal with the NCC mainly to try to prevent upward reclassification and rate increases. NCC Witness Welsh found that 75% of classification requests come from carriers, and it is a safe bet that all requests for increased class ratings come from carriers. Mr. Welsh also found that over 90% of the docketed proposals were approved. Reply Statement at 1-2.

Conferences also reject NCC's contention that carriers will not seek reclassification of freight unless their anonymity is guaranteed. Carriers today will tell individual shippers that they are not making enough money on that shipper's business and will seek a rate increase or rate adjustment. Why wouldn't these carriers continue to question class ratings where the issue is legitimate?

The NCC offers no solution for this problem other than the status quo, which imposes essentially no burdens on carriers and heavy burdens on shippers. This is, of course, a good way to raise class ratings while maintaining a pose of impartiality, which is probably why NCC defends the arrangement.

B. Gathering Data on Transportation Characteristics

The problem here is obviously related to the problem discussed above, but the focus is on what the NCC Staff does after a research project is begun or a proposal is submitted.

As explained above, it is too easy for an entire industry's commodity class ratings and freight rates to be jeopardized by a single carrier's one-page submission to the NCC. The problem is exacerbated by the Staff's subsequent research practices.

First, as already noted, shippers are denied access to NCC's files. As a result, shippers do not know such basic information as (1) whether the request for reclassification originated from outside the Staff,^{5/} (2) who requested the reclassification; (3)

^{5/} The NCC states that the Staff would never institute a reclassification, but shippers cannot confirm this claim without access to the files.

whether there was a single requester, or many; (4) whether the documentary support for reclassification is extensive or minimal, apparently reliable or questionable on its face. Shippers do not know which shipper's freight triggered the inquiry (so they could investigate whether that shipper's product line is similar to other manufacturers'), or what the focus of the inquiry is (density, stowability, handling, liability or some combination of two or more of these).

According to the NCC, the Staff then contacts shippers, although shippers are not told what companies or what people were contacted. As discussed in greater detail below, the rubber hose reclassification proceeding proves that this claim of always contacting shippers is not accurate, but when shippers are contacted, what happens?

If the NCC were truly interested in shipper participation, the Staff's inquiry would be narrowly focused on the problem allegedly turned up by its (secret) file data. However, in practice, the questionnaires sent out by the Staff are open-ended, detailed, and extremely burdensome.

Attached hereto as Attachment 1 are two NCC Staff inquiries received by the Shipper Conferences' attorney in March of this year concerning pastas (all kinds except frozen) and "buffers or cradles, roll packaging." Each inquiry is accompanied by a "National Classification Committee Commodity Questionnaire" seeking extensive information, in exhaustive detail about the commodities in question. A pasta manufacturer's traffic manager might be able

to provide the requested information, but only after days of work collecting and aggregating information, down to individual package dimensions and weights for the various combinations of pastas shipped to various customers. Multiply these burdens by the number of pasta manufacturers and distributors in the country and the total is likely to amount to weeks of work for shippers, particularly if the industry has numerous participants.

In his Verified Statement (filed with NCC's reply comments) NCC member Vernon Schrof criticized Goodyear for failing to undertake the burdens of filling out a similar Commodity Questionnaire until it became apparent that the NCC Staff was recommending a disruptive change in the classification of rubber belts, based on inaccurate information. But Goodyear's reaction is a natural reaction for any busy shipper employee asked for extensive data but kept in the dark as to the reason for the inquiry.

The NCC could have contacted Goodyear and said "We have received reports that v-type rubber belts are not being shipped between 12 and 20 pounds per cubic foot, and we would like you to tell us whether you think our information is accurate." Or it could have said "What is the average density of your belt shipments?" Either of these inquiries might have been relatively easy to answer. However, having been told nothing about the particular data the Staff wanted, or the focus of the inquiry (let alone the carrier data in the Staff's possession), it was entirely understandable that Goodyear would not assume the burden of

analyzing its shipping patterns until it was given a copy of the Research Project Report, issued by the NCC Staff just 9 business days before the Panel meeting at which it would be presented.

Today, the proponent of a change in classification bears a negligible burden (sending in a few forms and a letter requesting a research project) and any opponents of change bear a massive burden (conducting extensive and detailed studies to rebut information that is withheld from them until the last minute, when it is summarized in a page or two). As a result, the system is inherently biased in favor of change.

Here again, the unfairness does not depend on overt bias by the NCC Staff or members. The Staff may be able to represent to the members that their study supports a higher classification, and the members may vote for an increase, without any misrepresentation of the available data. The data may simply be inaccurate or one-sided because shippers did not rebut it, assuming that NCC would not act on erroneous data. The NCC will argue that shippers have only themselves to blame, when the real problem is that shippers are treated as guilty until proven innocent under the current procedures.

The Shipper Conferences have proposed several corrective measures, of which the most obvious is access to NCC file data. The "right" to conduct burdensome and costly studies for the NCC in self-defense against unknown claims by unknown carriers is not the greater shipper involvement in classification matters that shippers seek, even if it is what NCC prefers.

If shippers or their representatives could learn the basis for NCC proposals, they would be in a position to assess the strength of the case for a change in classification, and its prospects for success, and respond accordingly. If it turned out that the "support" for a proposed reclassification consisted of a single carrier's letter about a single shipment's density, a letter from a major manufacturer of the product in question might be enough to settle the matter.

There should also be a way of equalizing the data collection burdens. HSIA has suggested making the NCC reimburse shippers for the cost of the necessary studies. Another approach would be to require a certain number of full-blown studies by carriers -- studies as burdensome for carriers as Commodity Questionnaires are for shippers -- before a proposal could be considered. In this way, the NCC Staff could assess whether there appeared to be a pattern of misclassified shipments before seeking shipper information.

This would also require carriers to analyze all their shipments of the commodity in question, as opposed to simply complaining about a few low density shipments and asking the Staff to send Commodity Questionnaires to shippers. It would also narrow the issues, enabling shippers to focus their research on the alleged problem. If the issue was the density of spaghetti shipments, for example, shippers would not have to fill out the portion of the Commodity Questionnaire that asks for the dollar

value of loss and damage claims per year for all types of pasta shipments.

These requirements would not prevent legitimate classification changes. On the contrary, they would facilitate shipper participation in the process, and reduce the number of occasions of reclassification by default.

The NCC opposes any change in its data collection practices. Exhibiting virtual paranoia, it assumes (Foley Reply V.S. at 8-9) that shipper access to file data could only be used to retaliate against carriers, or for corporate espionage. Even the possibility of disclosure subject to STB protective order is rejected, despite the fact that highly confidential information (such as rail transportation contracts) is routinely disclosed in rail rate cases, where antitrust immunity and possible collusion to raise prices are not at issue.

C. Staff Recommendations

The problem is that the same NCC Staff personnel who compile data on transportation characteristics, and refuse to disclose file data to shippers, also analyze the data and report their findings to NCC members. The NCC claims that the Staff never recommends action by the Panels, but this is false. Part of the Staff's analysis involves determining whether the transportation characteristics they find (which are admittedly sometimes based only on carrier input) are consistent with NCC policies and guidelines.

If the Staff study does not support the status quo, the Staff can clearly "provide sample provisions for the Panel's consideration that would be in keeping with NCC policy and guidelines." See the NCC Staff's Research Project Report on rubber belts, attached to the Shipper Conferences' reply comments as an Appendix (Report at page 2). In other words, the Staff proposes a new classification.

The Shipper Conferences contend that the NCC Staff's ability to gather information on transportation characteristics, and analyze it, and recommend classification changes to the NCC's members for approval or disapproval, makes it all the more important for shippers to be provided access to data, and an opportunity to object to inadequate support for a classification change before the Staff's report is finalized.

This proposed reform is neither unfair nor destructive of the classification process. Shipper access to data may not, by itself, have any impact on ultimate outcomes. But without notice and access, shippers will be at a clear disadvantage in seeking a fair outcome.

The NCC denies that this problem even exists. NCC Witness Welsh testifies, in his Opening Statement at 11, as follows:

The staff is prohibited from making any recommendation, suggestion or advocating any position that would affect the vote or a determination of the NCC or a Classification Panel on any classification issue. Further, the staff is not permitted to evaluate the merits of a classification proposal or classification review matter.

As the evidence of record shows, these assertions are incorrect.

D. Standards -- Density Guidelines

The problem is that without fair standards, fair freight classification will be impossible even if the NCC Staff and members are impartial, and even if there is ample notice and access to data for shippers. As explained in the Shipper Conferences' opening comments at pp. 28-37, a commodity's density, which is the most important of the four transportation characteristics that are considered in classification and the least subjective, is governed by the NCC Density Guidelines. These Guidelines are antiquated and obsolete, because they ignore changes in overall, average commodity characteristics, as well as the fact that today's trailers have more than double the capacity of trailers in use when the Guidelines were adopted.

The Guidelines are also objectionable because they are non-linear in ways that are disadvantageous to shippers who ship commodities rated at less than or more than Class 100. Ratings on the denser commodities fall slowly, keeping rates high, while ratings on the less dense commodities rise quickly, leading to rapidly increasing rates.

In addition, the NMFC's mixed shipment rules penalize shippers whose customers order a package containing commodities with different densities, because that package is liable to be rated at the highest rating for any of its contents. See NMFC Item 640, Section 3(a). The use of 9 step or 11 step progression items is

administratively burdensome, and increases the use of mixed (and therefore excessively high rated) shipments.

The Shipper Conferences, recognizing the complexity and importance of these issues, recommended remedial action in the form of an adjustment of the Density Guidelines to make them more reflective of today's commodities and trailers, and to make them more linear. The Conferences also urged that the mixed shipment rule be changed to allow mixed shipments to be rated based on their average weight, and called for continued use of catch-all density items like Item 11120 for rubber hose, in place of multi-step progression items.

Once again, these reforms would simply make density-based classification more accurate and fair, and would not abolish the NMFC or the NCC.

The NCC ignored this problem in the comments, and ignored the Conferences' suggestion that these issues might be addressed in a separate proceeding. However, it rejected NASSTRAC's proposal for a reduction in the Density Guidelines when NASSTRAC submitted such a proposal to the NCC in 1999.

E. Standards -- Stowability, Handling and Liability

The problem with the other three standards for freight classification used by the NCC -- stowability, handling and liability -- is that they are too subjective. It is completely inappropriate to allow trucking company representatives and trucking industry employees to use subjective standards to decide, collectively and with antitrust immunity, whether to increase class

ratings and thereby increase freight rates. The problem is exacerbated because these characteristics, unlike density, depend largely on how the trucking industry itself stows and handles freight, and the extent and consequences of carriers' experience of breakage and spills. Without detailed data on the cost impacts of these characteristics, shippers are at a significant disadvantage in contesting reclassification proposals.

This is illustrated by the poisonous materials proposal. The Staff's analysis concluded that poisonous materials may be more costly to handle than some other commodities. However, shippers' ability to analyze even that conclusion is constrained by the lack of access to the file data on which the Staff relies, and shippers of these materials report that trucking companies compete vigorously for their business at today's class ratings and rates.

To what extent are stowability problems the issue, or handling, or liability? We don't know. NCC Witness Winter states that the Union Carbide accident at Bhopal, India is relevant because it led to DOT's shipping regulations for poisons (which shippers, of course, comply with). But the Bhopal accident took place 16 years ago, and DOT's National Truck Crash Profile for 1998 showed no releases of poisons in fatal crashes in 1998, and that of the 93,000 trucks involved in non-fatal crashes, only 541 trucks experienced any release of any hazardous material (not just poisons).^{6/} Against these data (which shippers have provided to the

^{6/} See the Federal Motor Carrier Safety Administration's Motor Carrier Safety Statistics, at www.mcs.dot.gov/factsfigs/mchsstats.htm.

NCC) and in view of the fact that many carriers impose hazmat surcharges of as little as \$8 a shipment, it seems fair to ask for more than conclusory allegations when the NCC proposes to increase class ratings by 300%.^{2/}

The Shipper Conferences argued that if stowability, handling and liability considerations cannot be quantified in their impact, or made more objective, they should be eliminated. Also helpful in this regard would be a presumption that existing class ratings are appropriate, so that the burden would be on the proponent of change to come forward with probative, not speculative, evidence supporting a changed classification.

There is nothing unfair about requiring decisionmakers to use objective, intelligible standards that can be applied by the parties appearing before them. The ICC reached exactly this conclusion in Investigation Into Motor Carrier Classification, 364 I.C.C. 906, 916 (1981), as explained in the Shipper Conferences' opening statement at 25-26.

The NCC's arguments in its reply comments barely address these issues. See "Prefatory Statement" at 6, and Schrof Statement at 5-6. These are simply conclusory statements to the effect that the

^{2/} The NCC's handling of poisonous materials issues is reminiscent of the railroad industry's attempt in the late 1970's to require utility and government shipments of spent nuclear fuel to travel in special train service, at revenue-to-variable cost ratios ranging from 1000% to over 3000%, despite shippers' use of specially designed, DOT-approved cask cars. There, as here, the carriers sought to capitalize on safety concerns to charge extraordinarily high rates. The ICC rejected the railroads' special train rates and prescribed reasonable rates in Trainload Rates on Radioactive Materials, Eastern Railroads, 362 I.C.C. 756 (1980).

NCC Staff and members analyze stowability, handling and liability characteristics without bias. As for the argument that the Conferences have provided no evidence of this problem, see the discussion of the poisonous materials issue below.

F. Decisionmaking

The problem is that all decisions are made by members of the trucking industry, which benefits from higher commodity class ratings. The Conferences do not assume that every NCC member always votes for higher class ratings, regardless of the evidence. Many Conference members know NCC members personally, and are inclined to believe that they try to act conscientiously. But it would be naive to assume that personal economic self-interest never influences any NCC member's vote. To the extent that this happens, even if only where the decision is a close call or the stakes are high (when self-interest is hardest to resist), there is a problem.

The Shipper Conferences recommended that shippers or shipper representatives be given a one-third voting membership at NCC Panel meetings. As an alternative, the Conferences suggest a requirement that there be a showing of changed transportation circumstances, or a presumption in favor of existing class ratings, with the burden of proof borne by the proponent of any change. And, of course, the reforms discussed elsewhere in the Shipper Conferences' comments, including full access to data, more equal burdens of producing data, and fairer standards, will all help offset any bias resulting from the fact that NCC members are carriers of the freight they classify and rate.

Given shippers' willingness to accept a minority voice in NCC decisionmaking, this cannot be characterized as a destructive proposal. It may fall short of fully addressing shippers' concerns, but coupled with other reforms, it would help.

The NCC protests that shippers have not provided evidence of carrier bias. This ignores the recognition throughout American law that neutrality in decisionmakers is so important as to disqualify many individuals who might merely give the appearance of partiality. In any event, the NCC assumes that shippers are incapable of resisting their own self interest. See Mr. Schrof's Verified Statement at 12: "Obviously, the shipper would be inclined to vote lower classes for his own products and higher classes for the products of his competitors." See also Foley Reply Statement at 3, and the Argument in NCC's reply comments at 7.

The NCC cannot accuse shippers of bias and deny even its possibility among carriers. In fact, both carriers and shippers are capable of fair decisionmaking, even against their own interests, so long as these decisions are made in the context of fair practices, standards and procedures. Prudence, however, supports constraints on the freedom of action of the self-interested.

The NCC argues that the law prohibits shipper participation on the NCC. This argument is also unconvincing. The STB could reverse the ICC's decision in Investigation into Motor Carrier Ratemaking, 367 I.C.C. 243, 355 (1983). And the opening statement

of Messrs. Beck and Ringer notes NCC antitrust immunity protects shippers as well as carriers. (Opening Statement at 10, n. 14.)

The NCC makes no serious attempt to rebut the Conferences' call for reform as to the burden of proof or a required showing of changed transportation characteristics. The NMFC is more than 50 years old, and it is hard to believe that there is much need to correct old items that everyone has accepted for so long. However, there is a need for repose, so that shippers do not have to litigate matters like the rubber hose issue repeatedly.

The NCC's proposed Ad Hoc group, offered instead of shipper membership (Foley Reply Statement at 4) seems of questionable value, inasmuch as "[t]he Ad Hoc shippers and carriers would not have actual access to the NCC's files, but would be free to raise questions with senior staff." Shippers have this right today.

G. Arbitration

The problem is that appeals from NCC Panels made up exclusively of carriers are heard by the full NCC, which is made up of the Panel members and even more carriers. Before the full NCC, as before NCC Panels, there is no access to file data, and there appear to be no decisional rules, such as a presumption against changes absent a showing of changed transportation circumstances, or a burden of proof that must be met by the proponent of a change, so that the benefit of the doubt goes to the existing class rating.

The Shipper Conferences suggested an arbitration option for parties whose positions are rejected by Panels, in order to bring

the issues before a neutral arbitrator or panel. NITL also supports this option.

The NCC argues that knowledgeable arbitrators would be hard to find and that arbitration or other outsourcing would be illegal. The former concern underestimates the ability of arbitrators to resolve complex disputes involving specialized issues, which is done every day. The NCC cites no authority for the proposition that STB approval of continued antitrust immunity cannot be conditioned on an arbitration option.

H. The NMFC Bill of Lading

The problem is that the so-called Uniform Bill of Lading is often cited by carriers as the basis for limitations of liability that were not affirmatively agreed to by shippers. Often, the shipper was not aware of the limitation, which may depend on a carrier inadvertence clause like NMFC Item 172.

The Shipper Conferences commented that Item 172 appears to violate 49 U.S.C. § 14706(c)(1)(C), and may be unlawful on other grounds to the extent that it purports to approve inadvertence clauses in other, individual carrier tariffs. These arrangements and the NMFC bill of lading are inconsistent with the DOT Cargo Liability Study and constitute improper collective action by the trucking industry.

The NCC ignores this issue, apparently because it regards the bill of lading as beyond the scope of this proceeding. NCC does argue that NASSTRAC is foreclosed from complaining about the current bill of lading because it resulted, in large part, from the

efforts of an ad hoc committee of carriers and shippers including NASSTRAC members.

The first of these arguments makes no sense. As the Board recognized in its February 11, 2000 decision on reconsideration in this proceeding, continued antitrust immunity for the bill of lading does not mean that changes in bill of lading provisions and related NMFC provisions cannot be ordered. As noted in Silver v. New York Stock Exchange, supra, 373 U.S. at 364: "Congress in effecting a scheme of self-regulation designed to insure fair dealing cannot be thought to have sanctioned and protected self-regulative activity when carried out in a fundamentally unfair manner."

The suggestion that NASSTRAC gave up any right to pursue liability issues as a result of its negotiations with carriers over the bill of lading is incorrect.

**III. THE RUBBER HOSE AND POISONOUS MATERIALS PROCEEDINGS
PROVE THAT SHIPPERS ARE RIGHT TO REGARD
CURRENT NCC PRACTICES AND
PROCEDURES AS BIASED**

In prior comments, the Shipper Conferences have illustrated several of the problems cited above by reference to two recent NCC proceedings. In its reply comments, the NCC makes several statements about those proceedings, involving rubber hose and poisonous materials, that cannot go unchallenged.

First, the NCC argues, in essence, that all's well that end's well. Of course, both of these matters came before the NCC at a

time when it knew that its procedures had been questioned by the STB. In addition, the poisonous materials reclassification proceeding is not yet over. More fundamentally, NCC is missing the point.

A. The Rubber Hose Proceeding

The Conferences acknowledged in their opening comments, where the rubber hose proceeding was discussed at pp. 16-19, that three successive NCC Panels have listened to hose shippers' arguments against reclassification, and disapproved proposals that would have resulted in excessively high class ratings on hose shipments. The reason for discussing this proceeding was not to complain about the outcome, but to demonstrate the need for reform of the way NCC proceedings are instituted and information is gathered.

As explained by the Conferences, the NCC Staff contacted shippers for their input only once, in 1990. When, subsequent to disapproval of reclassification in 1990, the NCC Staff received more Shipment Information Forms from carriers, two more proposals were put forward in 1996 and 1999, seeking similar increases in rubber hose class ratings.

The focus of the Shipper Conferences' complaint was that these second and third bites at the apple illustrate two of the problems with the status quo: that the burden on carriers to commence a proceeding is negligible while the burden on shippers is severe, and that the NCC Staff does not always seek shipper input.

In its reply comments, NCC ignores the former issue. As to the latter, the NCC confirms the Conferences' concerns, after first

mounting the usual attacks. Mr. Foley states (reply statement at 9-10):

Yet, I must comment on what I deem a scandalous and impertinent attack on the integrity of the NMFTA staff in implying that they cannot be trusted to accurately and fairly gather and report that information to the NCC.... Such a serious allegation demands evidence, but, apart from unsubstantiated allegations by counsel, nothing in the record underpins that very serious contention.

The Conferences' contention is not unsubstantiated or unsupported on this record. Messrs. Ringer and Beck, in their reply statement at 10, admit that the NCC Staff did not seek information from shippers prior to the docketing of the 1996 and 1999 proposals for reclassification of rubber hose. This failure was in direct violation of NCC's own procedures. See the Ringer and Beck opening statement in this proceeding at pp. 6-7, where they say that "since research projects are initially considered as classification review matters, these interested parties are made aware of the NCC's activities well before there is any proposal for reclassification." This was not done in the rubber hose proceedings in 1996 and 1999.

Messrs. Ringer and Beck go on in their reply statement (at 10-11) to say that no further contact with shippers was necessary in 1996 and 1999 because the transportation characteristics had not changed since 1990, citing a statement to this effect by a representative of Goodyear Tire & Rubber Company. Ringer and Beck even say "The NCC believed, and still believes, that the

information obtained through the 1990 research survey continued to be valid in 1996 and 1999." Reply statement at 10, emphasis added.

But the rubber manufacturers presented overwhelming evidence at all three NCC Panel meetings that the Staff's information is wrong! Rubber hose shipments in excess of the Staff's alleged maximum density of 13.2 pounds per cubic foot not only exist, but are common. The maximum density cited by Goodyear was 29 pcf, and the average was well above the 15 pcf needed to justify the existing class ratings. It was these facts that had not changed since 1990, not the Staff's discredited theory that the maximum density of rubber hose is 13.2 pcf.^{8/}

When the NCC Staff fails to contact shippers as to major reclassification proposals, even when those shippers are already "parties of record," and also refuses to believe shippers when they supply data that contradicts the Staff's original research, thereby forcing shippers to defend their original victory repeatedly, something is wrong.

The Shipper Conferences, of course, support the idea that a showing of changed transportation circumstances should be required for a new proceeding. But to use this concept to revive erroneous Staff analyses twice in ten years is clear evidence of bias in the reclassification system, not just in the gathering of data, but also in the presentation of findings to the NCC.

^{8/} A copy of the Goodyear statement which Messrs. Ringer and Beck quoted is attached hereto as Attachment 2. (To save space, the copy of Goodyear's brochure attached to that statement has been omitted.)

B. The Poisonous Materials Proceeding

The NCC's discussion of the poisonous materials proceeding also calls into question the claimed impartiality of the Staff. According to the testimony of three Staffers, NASSTRAC had full advance details of what the reclassification proposal, and has never supplied any information to the NCC. Both assertions are false.

The chronology of events is as follows. In advance of the November 9, 1999 NCC Panel Meeting discussed in the statement of Ms. Lisa Winter filed with the NCC's reply comments, NASSTRAC's attorney was engaged by the Rubber Manufacturers Association to represent RMA in the rubber hose proceeding discussed above. A review of the docket for the November 9 meeting revealed a listing for a Classification Review Matter involving poisonous materials.

NASSTRAC's attorney met with the NCC Staff on October 28, 1999, as stated by Ms. Winter. However, Ms. Winter does not reveal that the primary purpose of that meeting was to obtain information on the rubber hose issue. As was made clear to the NCC at that time, NASSTRAC's attorney had not been engaged to participate in the poisonous materials proceeding, but requested more information in order to advise NASSTRAC about the relevant issues.

After providing its abbreviated (1 page) and inaccurate summary of transportation characteristics of rubber hose (attached as Attachment 3), the NCC provided the document attached as Attachment 4, consisting of a four and one-half page discussion of poisonous materials, and a six page compilation entitled "Poisonous

Materials -- Present Provisions." Nowhere in this handout is there any indication of the action the NCC Staff would be recommending at the November 9, 1999 Panel meeting.

The November 9 Panel meeting was the meeting at which the rubber hose proposal was considered, and NASSTRAC's counsel was there for the Rubber Manufacturers Association, along with numerous rubber hose shippers and a Vice President of RMA. After the vote to disapprove the rubber hose proposal, NASSTRAC's counsel, who had still not been engaged by any shipper or shipper organization with respect to poisonous materials shipments, remained at the Panel meeting to observe the discussion of poisonous materials.

Messrs. Ringer and Beck claim in their reply statement (at 4) that NASSTRAC's counsel "was given an advance copy of the proposal." Even if this statement were true (and it is not), there is little that any shipper attorney can do about a proposal that is not provided until the day it is voted on, even if he has been engaged to represent a client. In fact, however, the proposal adopted by the Panel was not provided to NASSTRAC's counsel until after the Panel voted to approve it for docketing at the next Panel meeting.

A copy of that proposal is attached as Attachment 5. It was thus not until the NCC Panel had already voted to docket this proposal that the NCC revealed its intention to take commodities with ratings generally in the Class 55 to Class 100 range, and increase the ratings to Class 200, 250 or 300. The fact that this proposal came from the NCC Staff further disproves the contention

that the Staff never makes suggestions or recommendations. A vote on this proposal was scheduled for the next NCC Panel meeting in Ft. Lauderdale on February 7, 2000.

At pp. 5-6 of her statement, Ms. Winter states that NASSTRAC had "full knowledge" of the information on poisonous materials presented at the February 7, 2000 Panel meeting for "a full three months." This statement is also misleading. Attached as Attachment 6 is a copy of the 84 page Analysis of Proposal that Ms. Winter admits was not received by NASSTRAC until February 1, 2000, three business days before the February 7 Panel meeting in Florida. A comparison of that document with the much shorter summary (Attachment 4) provided on October 28, 1999 (with no hint of the magnitude of the proposed reclassification) shows how much relevant information was withheld from NASSTRAC until just before the NCC voted to approve the proposal.^{9/}

Finally, Ms. Winter states repeatedly that shippers have provided no information on the transportation characteristics of hazardous materials. Plainly, the NCC thinks the burden is on shippers to disprove the validity of the Staff's reclassification proposal. It is not easy for shippers to develop information about a proposal when the Staff's full Analysis is not provided until three business days before the Panel meeting at which it is presented for a vote. The difficulty is compounded when the

^{9/} The Conferences and other shippers have identified a number of errors in the lengthy Analysis of Proposal, and have questioned the relevance or significance of other arguments for reclassification. The Conferences do not agree with the substance of the Analysis.

rationale for the proposal is alleged but unquantified stowability, handling and liability problems experienced by carriers.

Nevertheless, Robert L. Temper of Mallinckrodt, Inc., who is a member of NASSTRAC, H&PCDC and NITL, has provided the NCC with the two statements attached hereto as Attachment 7. Mr. Temper also attended, and spoke at, the February 7 Panel meeting in Florida and the May 1, 2000 meeting on appeal of the NCC's poisonous materials decision, at which the full NCC agreed to defer action on poisonous materials.

Also in attendance at the February 7 and May 1 meetings was NASSTRAC member Richard Greener, Vice President of Transportation for Fisher Scientific Company, who made statements at both meetings. Mr. Greener also brought to the February 7 Panel meeting the Manager of his company's Hazardous Materials Transportation Program, who specializes in Fisher's poisonous materials and other hazardous materials shipments. Though Fisher's expert came to the meeting to provide information from a shipper's perspective, no NCC member or Staff member asked any questions.

As the Shipper Conferences stated in their opening comments, they did not discuss the poisonous materials matter in order to argue about the merits of the NCC's proposal. The Conferences will also work with the NCC Staff in attempting to narrow the parties' differences about the proper class ratings for poisonous materials. But the NCC's reply comments belie the claim that the NCC and its Staff are impartial and "shipper friendly," and operate in an open

and irreproachable manner, with no procedural or other bias in favor of carrier interests or reclassification.

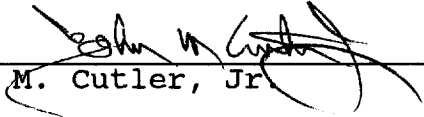
IV. CONCLUSION

The status quo, which the NCC defends with more heat than light, permits the trucking industry to raise class ratings with relative ease, through the use of secret data, unfair burdens on shippers, subjective or prejudicial standards, and control of decisionmaking and appeals. The Shipper Conferences do not contend that these factors always produce unfair outcomes, or that increased class ratings are never justified. The Conferences do not seek to abolish freight classification or the NCC.

However, existing NCC practices and procedures fall far short of the balance and procedural fairness that are necessary when trucking companies and trucking industry employees are allowed to take collective action on issues that affect freight rates and carrier liability issues. For the foregoing reasons, and the reasons set forth in the Shipper Conferences' prior comments in

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of June 2000 caused copies of the foregoing document to be served on all parties of record by first class mail, postage prepaid.



John M. Cutler, Jr

this proceeding, the Board should condition continued antitrust immunity for the NCC on implementation of the recommended reforms.

Respectfully submitted,


John M. Cutler, Jr.
McCarthy, Sweeney & Harkaway, P.C.
Suite 600
2175 K Street, N.W.
Washington, DC 20037
(202) 393-5710

Attorney for National Small Shipments
Traffic Conference, Inc. and The
Health & Personal Care Distribution
Conference, Inc.

Dated: June 12, 2000

2200 Mill Road
Alexandria, VA 22314-4654
www.erols.com/nmfta



(703) 838-1810
fax (703) 683-1094

National Classification Committee

101-JGK-R.P. 675
March 10, 2000

Re: Macaroni, Noodles, Spaghetti and other
Pastas, other than frozen

Dear Food Company Executive:

The National Classification Committee (NCC) is conducting a survey on the transportation characteristics of the above-referenced commodities. The NCC is a group of motor carrier representatives who are responsible for the maintenance of the National Motor Freight Classification (NMFC). According to our files, your company may manufacture or ship these products. Your completion of the enclosed questionnaire would greatly facilitate our research.

We are seeking information on different types of pasta and how they are shipped from your production or distribution facilities. These products are currently classified under item 73227 of the NMFC. Please indicate the type of pasta, shipping package dimensions, weight, invoice value and other information requested on the Commodity Questionnaire. It would also be helpful if you could provide advertising literature or photographs of your products.

If you have any questions regarding our research or the questionnaire, please contact me at (703) 838-1830. Additional information may be found on our web page at www.erols.com/nmfta.org. If you do not produce or ship these products, please indicate this on the questionnaire and return it in the postage-paid envelope provided. Thank you for your assistance.

Sincerely,
NATIONAL CLASSIFICATION COMMITTEE



Joanna G. Knoll
Classification Specialist

Enclosures

NATIONAL CLASSIFICATION COMMITTEE COMMODITY QUESTIONNAIRE

COMMODITY: Macaroni, Noodles, Spaghetti and other Pastas

COMPANY:

GENERAL SHIPPING INFORMATION

- Do you produce or ship the commodities named above?
(If yes, please complete this questionnaire. If no, just sign and return it. Thank you.)
☐ Yes ☐ No
- Approximately what percent of these products do you ship via for-hire motor carrier? _____ %
- What percent of these shipments are: LTL? _____ %
(LTL + TL = 100%) TL? _____ %
- What is the average weight of: LTL shipments? _____ lbs
TL shipments? _____ lbs
- What is your approximate tonnage of these commodities shipped via motor carrier for a given period (week, month, year)? _____ tons per _____
- What percent of the market for these commodities does your company represent? _____ %
- Please name two motor carriers who serve your company: _____
- What is the average dollar amount of claims filed for loss or damage to these commodities each year? \$ _____
- Use the available space on the back of this questionnaire or attach an additional sheet for comments concerning theft, damage or other shipping problems.
- Please include advertising literature, pictures or any other descriptive material that may illustrate your products.

TRANSPORTATION CHARACTERISTICS

Please give exact figures.

Type of Pasta	Is Pasta Dry, Cooked or Refrigerated?	This Type as a % of all Types Shipped	Package Description (box, crate, pallet, etc.)	Outside Dimensions of Shipping Package (in inches)			Shipping Weight of Package (in pounds)	Invoice Value as Packaged for Shipment
				Length	Width	Height		

(OVER)

TRANSPORTATION CHARACTERISTICS

Please give exact figures.

Type of Pasta	Is Pasta Dry, Cooked or Refrigerated?	This Type as a % of all Types Shipped	Package Description (box, crate, pallet, etc.)	Outside Dimensions of Shipping Package (in inches)			Shipping Weight of Package (in pounds)	Invoice Value as Packaged for Shipment
				Length	Width	Height		

COMMENTS

Please provide the names and addresses of your
two closest competitors:

Your Name (please print):

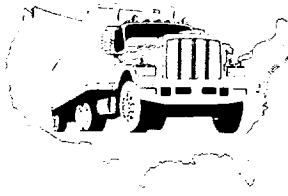
Title:

Date:

Telephone Number:

Web Site Address:

2200 Mill Road
Alexandria, VA 22314-4654
www.erols.com/nmfta



(703) 838-1810
fax (703) 683-1094

National Classification Committee

101-JLR-RP812

Mr. John Cutler
Attorney at Law
McCarthy Sweeney & Harkaway
1750 Pennsylvania Ave NW, #1105
Washington, DC 20006

March 10, 2000

Re: Buffers or Cradles, roll packaging

Dear Mr. Cutler:

The National Classification Committee (NCC) is currently researching buffers or cradles used for shipping rolled goods. We are contacting shippers of these roll packaging systems and asking that they provide shipping information on their products. A copy of the questionnaire we are using in our survey is enclosed.

Any assistance you could provide in identifying companies that produce or ship roll buffers or cradles would greatly facilitate our research. And certainly any shipping information you could provide would be most helpful, too. Advertising literature or other descriptive material that might be available would, likewise, be very helpful and most appreciated.

Should you have any questions regarding this request, please feel free to call us at 703-838-1826.

Thank you very much for your assistance.

Very truly yours,

NATIONAL CLASSIFICATION COMMITTEE

A handwritten signature in black ink that reads "Joel L. Ringer". The signature is written in a cursive style with a large, stylized 'J' and 'R'.

Joel L. Ringer
Senior Classification Specialist

NATIONAL CLASSIFICATION COMMITTEE COMMODITY QUESTIONNAIRE

COMMODITY: Buffers or Cradles, roll packaging

COMPANY:

GENERAL SHIPPING INFORMATION

1. Do you produce or ship roll buffers or cradles? ☐ Yes ☐ No
(If yes, please complete this questionnaire. If no, just print your name on the reverse side and return it. Thank you.) _____ %
2. Approximately what percent of these products do you ship via motor carrier? _____ %
- 3a. What percent of these shipments are: LTL? _____ %
(LTL + TL = 100%) TL? _____ %
- 3b. What is the average weight of: LTL shipments? _____ lbs
TL shipments? _____ lbs
4. What is your approximate tonnage of these products shipped via motor carrier for a given period (week, month, year)? _____ tons
per _____
5. What percent of the market for these products does your company represent? _____ %
6. Please name two motor carriers who serve your company: _____
7. Use the available space on the back of this questionnaire or attach an additional sheet for comments concerning theft, damage or other shipping problems. _____
8. Please include advertising literature or other descriptive material that may illustrate your roll buffers or cradles. _____

TRANSPORTATION CHARACTERISTICS

Please give exact figures.

Model and Description	Material Construction (fibreboard, paper, molded wood pulp, etc.)	Shipping Form (see enclosed sheet)	How Tendered for Shipment (boxed, crated, wrapped on pallet, etc.)	Outside Dimensions as Tendered for Shipment (in inches)			Weight as Tendered for Shipment (in pounds)	Invoice Value as Tendered for Shipment	Claims \$ per year
				Length	Width	Height			

(OVER)

TRANSPORTATION CHARACTERISTICS

Please give exact figures.

[illegible]

COMMENTS

Please provide the names and addresses of your two closest competitors:

Your Name (please print):

Title: _____ Date: _____

Company Web Site:

Telephone Number:

DEFINITIONS OF SHIPPING FORMS

These definitions are derived from Item (Rule) 110 of the National Motor Freight Classification:

Set Up (SU) - means articles in their assembled condition or disassembled, folded or telescoped but not meeting the definitions of "Knocked Down," "Knocked Down Flat," "Folded" or "Folded Flat."

Knocked Down (KD) - means that an article must be taken apart, folded or telescoped in such a manner as to reduce its bulk at least $33 \frac{1}{3}$ percent from its normal shipping cubage when set up or assembled.

Knocked Down Flat (KD Flat) - means that an article must be taken apart, folded or telescoped in such a manner as to reduce its bulk at least $66 \frac{2}{3}$ percent from its normal shipping cubage when set up or assembled.

Folded - means that an article must be folded in such a manner as to reduce its bulk at least $33 \frac{1}{3}$ percent from its normal shipping cubage when not folded.

Folded Flat - means that an article must be folded in such a manner as to reduce its bulk at least $66 \frac{2}{3}$ percent from its normal shipping cubage when not folded.

Nested - means that three or more different sizes of an article must be placed each smaller within the next larger or three or more of the same articles must be placed one within the other so that each upper article must not project above the next lower article by more than $\frac{1}{3}$ of its height.

Nested Solid - means that three or more of the same article must be placed one within or upon the other so that the outer side surfaces of the one above will be in contact with the inner surface of the one below and so that each upper article will not project above the next lower article by more than $\frac{1}{4}$ inch.

**THE GOODYEAR TIRE & RUBBER CO.
1144 EAST MARKET STREET
AKRON, OHIO 44316**

November 4, 1999

Mr. Martin E. Foley, Executive Director
National Motor Freight Traffic Association
2200 Mill Road
Alexandria, VA 22314

Subject: Docket #994,
Reclassification of rubber hose.

Dear Mr. Foley:

The Goodyear Tire & Rubber Company is submitting this statement in opposition to the reclassification of rubber hose as proposed in the subject Docket 994. Of major importance is the fact that the basic shipping characteristics of rubber hose has not change since your last inquires into this subject in Docket 904 Subject 7, June 12, 1990 and again by Docket 961 in October of 1996.

Goodyear hose is produced at six major production facilities in the United States and shipped in mixed shipments of various types and weight and on average far exceeds any criteria necessary to produce adequate revenue for your member carriers. Presently 15 of those member carriers handle 68.3 mm pounds annually at an average weight per shipment of 1,320 lbs. an average distance of 561 miles. None have expressed even minor concern about negative transportation characteristics involved in transporting these products.

Of the 14 panel member carriers listed as supporting the reclassification only one has a recent history of transporting Goodyear products. That carrier handles a small percentage of the total business at an average weight of 1,500 lbs. an average distance of 1,032 miles and we question the NCC stated Subject support of the this single carrier as the freight described would be very desirable.

Consequently it appears that this proposal has been suggested by a carrier or carriers other than those handling the hose products of a major producer. Many other carriers including your members are continually soliciting these products to transport since the hose is shipped as reels on pallets, shrink wrapped, and in pallet boxes which are easily handled, stowed and have an almost nonexistent claims history.

The NCC staff is usually aware of companies that produce products involved in the classification process and we are concerned that Goodyear was not ask by them to provide information for the committee's review regarding the four shipping characteristics of our hose products. As a major producer and shipper of this product our input should have considerably more validity than that of a carrier handling a few shipments and limited variety of hose. In lieu of any NCC Staff request we have taken the liberty to attach a compilation of some information on hose products shipped by Goodyear and our competitors.

Goodyear's understanding of the STB (ICC) review of the classification process is that equal consideration of the four shipping characteristics is required when product classifications are established or revised as in this subject proceeding. Another major consideration is that a substantial change in shipping characteristics must be observed and documented prior to the introduction of a product reclassification. That information is not included in the proposal justification statement as most justification is directed to the density of the product. No reference in the justification statement refers to a substantial change in the product.

Further, our records indicate the present classification history of the subject hose product dates back to 1974 "NCC" Docket 741, Subject 82, when it was determined by the Classification Committee that class 70 was the correct classification for " rubber hose" at 6 PCF. The 6 PCF description was due to recognition by the NCC that the product was normally shipped in mixed shipments with some items at 8 to 10 PCF but averaging more than 15 PCF.

Additionally the 6 PCF description was determined correct and efficient to eliminate a weighing and measurement nightmare for both shippers and carriers with no substantial advantage in obtaining such weights and measures for the classification of products. This decision was later supported by the two subsequent Dockets in 1990 and 1996 as previously mentioned. We think that a fourth review of the same product classification (three in eight years) is unwarranted and beyond the intent of the classification process.

Meanwhile some further improvements have been made to the "Shipping Characteristics" of hose products as the following illustrates.

1. Liability; Loss and damage exposure has been reduced due to improved handling and packaging that is reflected in reduced claims records. Of the 51,000 plus shipments made in the past year we can document only 14 claims where carriers made payments.
2. Stowability: Larger carrier equipment with improved packaging contributes to minimal contamination exposure to other products and easier placement in vehicles and greater revenue/weight in each vehicle.
3. Handling: The stowability has improved due to reel on pallets, shrink wrap on pallets and compatibility with fork lift operations.
4. Density: Increased density due to changes in construction with the addition metal connectors, splices, and reinforcement components using steel and reinforced fabric

Based on the above we strongly urge that your classification Panel vote to continue the present classifications for hose products as is now published in the National Motor Freight Classification.

Thank you for your support and cooperation in this matter and we ask that Goodyear be added as a party of record to this proceeding. We also ask that Goodyear be accorded such time as needed at the November 9, 1999 Panel meeting to review the Panel's presentation and present Goodyear's position on any the revision to the present classification of rubber hose products.

Sincerely


Paul D. Fortney
Senior Transportation Analyst

CC: Steve Nicholas, Mgr. Adm & Services Engineered Products

The Goodyear Tire & Rubber Co
Hose Products Transportation Characteristics
NCC Classification Panel Subject: 994
November 9, 1999

Product	Packaging	Package Size	Weight Per Package	PCF	Packages Eq. to 56' trailer	Percent of Shipments
3/16 to 3-1/2 I.D. Reinf Rbr W/ fab. wire	Reels on Pallets	42 x42x50" 51 cu ft	900 to 1500	17 to 29 pcf	54 pallets = 48,600	50
3/16 to 3-1/2 I.D. Reinf. W/ fab. wire	Cartons on pallets	42 x42 x50" 51 cu ft	800 to 1200	16 to 29 pcf	54 pallets = 43,200	30
Gas Hose Bulk in Cartons	Cartons on pallets banded, Shrink wrap	42x42x50 51 cu ft	660 to 740	13 to 14 pcf	54 pallets = 37,800	8
Coupled Hose, brake Radiator, gas	Cartons on pallets banded, shrink wrap	42x42x46" 47 cu ft	580 to 640	12 to 13 pcf	54 pallets = 31,300	7
Misc. rbr. Pump, Vapor Recovery, Oil transfer	Various quantities in cartons and/or shrink wrap	Various	100 to 250	8 to 9 pcf.	no large quantities	5

Submitted by:

Paul D. Fortney
Sr. Transportation Analyst
The Goodyear Tire & Rubber Company
1144 East Market Street
Akron, Ohio 44316

Poisonous Materials

Federal Regulations Governing Poisonous Materials:

Eight hundred and fifty-five (855) specific materials are identified as poisonous materials in the United States Department of Transportation's (DOT) Hazardous Materials Table. Countless others are classified under the general "NOS" provisions in that table.

The DOT regulations do not neatly group poisonous materials in one hazard class, like Corrosive materials (Class 8) or Oxidizers (Class 5.1). Rather, poisonous materials are distributed among eight hazard classes. Each of those classes has its own set of coloadng restrictions and segregation requirements. The hazardous materials coloadng regulations are specified in 49 CFR

- 177.848. Poisonous materials are recognizable by their POISON, TOXIC or INHALATION HAZARD labels.¹ They are shown below.



A **poisonous material** by DOT definition means a material, other than a gas, which is known to be so toxic to humans as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity:

- (1) is presumed to be toxic to humans because it falls within any one of the following categories when tested on laboratory animals (whenever possible, animal test data that has been reported in the chemical literature should be used):
 - (i) *Oral Toxicity.* A liquid with an LD₅₀ for acute oral toxicity of not more than 500 mg/kg or a solid with an LD₅₀ for acute oral toxicity of not more than 200 mg/kg.
 - (ii) *Dermal Toxicity.* A material with an LD₅₀ for acute dermal toxicity of not more than 1000 mg/kg.
 - (iii) *Inhalation Toxicity.*
 - (A) A dust or mist with an LC₅₀ for acute toxicity on inhalation of not more than 10 mg/L; or
 - (B) A material with a saturated vapor concentration in air at 20 °C (68 °F) of more than one-fifth of the LC₅₀ for acute toxicity on inhalation of vapors and with an LC₅₀ for acute toxicity on inhalation vapors of not more than 5000 ml/m³; or
- (2) Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

¹ Poisons in Packing Group III will be allowed to bear a Harmful, Stow Away From Foodstuffs label until October 1, 2003. After that, poisonous materials in Packing Group III will be required to bear a "POISON" label with the option of having the added text "PG III" printed adjacent to the label.

Transportation Characteristics of Poisonous Materials:

Density: Poisonous materials have a density range from 9.53 to 47.49 pcf and have an average density of 27.30 pcf.

Stowability: Stowing poisonous materials on carrier docks and trailers is more difficult due to their coload restrictions and segregation requirements than stowing most other freight. No poisonous materials can be coloaded with food, feed or other edible material (177.84).

Poisonous materials are restricted from being coloaded with up to 1158 specifically named other hazardous materials and they cannot be coloaded and must be segregated from innumerable products that are provided for under general "NOS" descriptions in the DOT's hazardous materials regulations. The segregation requirements and coload restrictions imposed by the DOT can result in the inability to load a trailer to capacity. A half-empty trailer is often the result of such compliance efforts. This results in poor cube utilization and, thus, poor stowability, and would reduce the loaded density of poisonous materials to well below the actual density average of 27.30 pcf.

While all poisonous materials are more difficult to stow than general boxed freight, the degree of difficulty is relative to the degree of hazard and the subsequent number of coload restrictions imposed upon them by the DOT. The poisonous materials most difficult to stow fall in Packing Group I, Hazard Zone A. All of these materials are required to bear an INHALATION HAZARD label. These materials, in addition to the fact that they are poisonous if ingested, present severe inhalation hazards. The table below demonstrates the severe coload restrictions and segregation requirements imposed on the specifically named materials in Packing Group I, Hazard Zone A:

<i>PIH Chemical Name</i>	<i># of Materials With Which Cannot Be Coloaded</i>	<i># of Materials From Which Must Be Segregated</i>
Acrolein, inhibited	1142	69
Bromine or Bromine Solutions	1158	16
Bromine Pentafluoride	1158	85
Tert-Butyl isocyanate	1142	69
Ethyl isocyanate	1158	85
Ethyleneimine, inhibited	1142	69
Hydrogen cyanide, stabilized	1142	69
Iron pentacarbonyl	1142	69
Isopropyl isocyanate	1158	85
Methoxymethyl isocyanate	1158	85
Methyl chloroformate	1142	69
Methyl chloromethyl ether	1142	69
Methyl isocyanate	1142	69
Methyl vinyl ketone	1158	85

Methyl hydrazine	1142	69
Nickel carbonyl	1142	69
Pentaborane	1158	16
n-Propyl isocyanate	1142	69
Sulfuryl chloride	1158	16

The poisonous materials that present stowing problems that are extreme, but not as severe as those materials in Packing Group I, Hazard Zone A are poisonous materials in Hazard classes 3, 4.1, 4.2, 4.3, 5.1 and 8. There are 156 specifically named poisonous materials in this grouping. The table below demonstrates the coloadng restrictions and segregation requirements:

<i>Hazard Class</i>	<i># of Poisonous Materials in Hazard Class</i>	<i># of Materials With Which Cannot Be Coloaded</i>	<i># of Materials From Which Must Be Segregated</i>
3	68	16	150
4.1	9	16	314
4.2	9	314	16
4.3	17	16	314
5.1	19	16	732
8	34	102	356

The poisonous materials that present the least degree of stowing difficulties are the 664 remaining materials in Hazard Class/Division 6.1, other than in Packing Group I, Hazard Zone A. While they are still more difficult to stow than general boxed freight because of the food and feed coloadng prohibitions, these materials are not subject to coloadng restrictions or segregation requirements with other hazardous materials.

Handling: All carrier personnel who are involved in the handling of hazardous materials are required to know, not only DOT regulations, but also Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) regulations. Carriers are responsible for training their employees in all aspects of the ever-changing regulations as they relate to the transportation of hazardous materials.

Moreover, to fully comply with all requirements of the hazardous materials regulations, carriers must implement and update a program to train employees in the handling of materials, including poisonous materials, which are subject to such regulations. For example, all personnel involved in terminal operations must be thoroughly trained in the initial response to be taken in emergencies involving various hazardous materials. In this respect, the Emergency Response Guidebook often provides direction as to the first steps to be taken in emergency situations. This guide, among other things, provides information as to isolation distances required in the event of small and large spills for various materials, including many poisonous materials.

Further, complying with the involved handling regulations requires at least one dedicated space on carrier docks for hazardous materials. To comply with segregation requirements, more than one area of a carrier dock is required for storing the involved materials.

The following shows examples of the many regulations regarding where and how containers of poisonous materials must be stored.

- As discussed in the "stowability" section, the DOT regulations state that poisonous materials cannot be coloaded with hundreds of specifically-named hazardous materials and must be segregated in the trailer from hundreds more. And they cannot be coloaded and must be segregated from an unknown number of products that are provided for under general "NOS" descriptions in the DOT's hazardous materials regulations.
- OSHA regulations require that containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.
- OSHA further requires that no pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

49 CFR § 177.834 requires that packages of poisonous materials are secured in the vehicle and that materials are so braced as to prevent motion thereof relative to the vehicle in transit. Containers having valves or other fittings must be so loaded that there will be a minimum of likelihood of damage thereto during transportation.

The coload restrictions cited in the "stowability" section of this report can necessitate dispatching multiple vehicles. Further, the coload restrictions and segregation requirements impact carriers' terminal operations. Also, state and local governments have banned transportation of hazardous materials on certain routes.

A number of poisonous materials are shipped in glass containers. Carrier personnel must exercise extreme caution when loading and unloading these products. Further, some poisonous and flammable liquids become volatile at temperatures as low as 95° Fahrenheit; whereas, truck trailer temperatures may climb as high as 180° Fahrenheit when they are not moving.² When these two factors are combined, a flammable liquid may combust, damaging or destroying other freight and carrier equipment.

Liability: Poisonous materials have the propensity to damage freight with which transported, carrier equipment, carrier personnel, the general public and the environment. Poisonous materials may spontaneously combust or explode. Further they are time-sensitive. Shipments of poisonous materials that are refused by the consignee or that cannot be delivered within 48 hours after arrival at the destination, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or

²Heat Sensitive Product Distribution Study, (1988), Mr. Gerald A. Hock, CP-P

(2) by storage, provided a suitable storage place for such articles is available, or (3) by sale, or (4) when necessary to safety, by destruction. (See 49 CFR §177.853.)

As with the stowability and handling transportation characteristics, the liability assumed by the carrier when transporting poisonous materials is proportionate to the degree of hazard presented by the material being transported. Poisonous materials in Packing Group I, Hazard Zone A present the highest degree of hazard. Poisonous materials other than in Packing Group I, Hazard Zone A, and other than in Hazard Class 6.1, have hazards in addition to their poisonous nature associated with transporting them. They may be flammable, spontaneously combustible, dangerous when wet or corrosive. These products, while not as potentially lethal as the PIH materials, have the propensity to damage freight with which stowed, carrier personnel, carrier equipment, the environment and the general public. Materials in Hazard Class 6.1, other than in Hazard Zone A, Packing Group I, are the least likely to damage freight with which stowed.

Poisonous Materials – Present Provisions

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
2080	ACIDS , see Notes, items 2083 and 2084:	
2083	Not Involved.	
2084	NOTE—Materials classed in the U.S. Department of Transportation regulations as a gas that is poisonous by inhalation or that is required to bear a 'POISON GAS' or 'TOXIC GAS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85900.	
3040	⊛ Acids , NOI, dry. See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes.....	92.5
Sub 2	In bulk in boxes, drums, five-ply paper bags, Item 201 bags or Packages 248, 1171, 1380, 1381, 1388, 1425, 2009, 2226, 2264, 2369 or 2395, Item 201 bags.....	85
3050	⊛ Acids , NOI, liquid. See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes or in Package 1190	92.5
Sub 2	In carboys	100
Sub 3	In bulk in drums or Package 1014	85
3070	⊛ Arsenic , fused, in boxes or drums, or in bars wrapped in paraffined paper in wooden boxes only	70
4040	⊛ Carbolic (Phenol) . See item 60000 for class dependent upon released value:	
Sub 1	In carboys	100
Sub 2	In inner containers in boxes.....	77.5
Sub 3	In bulk in boxes or drums.....	70
4060	⊛ Chlorosulfonic . See item 60000 for class dependent upon released value:	
Sub 1	In glass bottles in wooden boxes	100
Sub 2	In bulk in drums	60
4100	⊛ Cresylic (Cresol) . See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes or drums	77.5
Sub 2	In bulk in drums	70
Sub 3	In Package 200.....	100
4160	⊛ Hydrocyanic Acid Aqueous Solutions , containing less than 5 percent hydrogen cyanideic acid, other than in DOT Hazard Zone A or B, in inner containers in boxes or drums, or in steel cylinders. See item 60000 for class dependent upon released value	85
4180	⊛ Hydrofluoric . See item 60000 for class dependent upon released value:	
Sub 1	In containers in boxes or drums, in lead carboys in steel jackets, or in plastic carboys	85
Sub 2	In bulk in drums or in steel cylinders.....	70
4200	⊛ Hydrofluoric and Sulfuric, mixed , in bulk in drums	70
4360	⊛ Nitric . See item 60000 for class dependent upon released value:	
Sub 1	In Package 200, or in carboys other than DOT specification 1D carboys ...	100
Sub 2	In inner containers in boxes, in Package 1190, or in DOT specification 1D carboys	70
Sub 3	In bulk in drums	70
4540	⊛ Sulfuric, or Oil of Vitriol . See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes, in DOT specification 1D carboys or in Package 1190	70
Sub 2	In carboys other than DOT specification 1D carboys, or in Package 200 ...	100
Sub 3	In drums	60

Poisonous Materials – Present Provisions

ITEM NO.	DESCRIPTION	CLASS
13620	ALUMINUM: subject to item 13100	
Sub 1	Powder , in boxes or drums:	
Sub 2	NOI	85
	Atomized granular, also in Package 2054	60
42600	CHEMICALS GROUP , see Notes, items 42603 and 42604	
42603	NOTE— Not Involved.	
42604	NOTE— Materials classed in the U.S. Department of Transportation regulations as a gas that is poisonous by inhalation or that is required to bear a 'POISON GAS' or 'TOXIC GAS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85900.	
42610	⊛ Acetaldehyde or Acetadol (Aldol) . See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums	70
Sub 2	In inner containers in boxes, or in steel cylinders	77.5
Sub 3	In carboys	100
	Alcohols , other than alcoholic liquors:	
42670	⊛ Alcohols , NOI; including Anhydrous Alcohol , not denatured. See item 60000 for class dependent upon released value:	
Sub 1	In carboys	125
Sub 2	In inner containers in boxes, or in pails	100
Sub 3	In bulk in drums or steel cylinders	100
42680	⊛ Alcohol , allyl, or Alcohol , methallyl, in bulk in drums or steel cylinders....	60
42690	⊛ Alcohol , amyl;	
	⊛ Alcohol , butyl, including Butanol ;	
	⊛ Alcohol , decyl, hexadecyl, hexyl, tridecyl, or undecyl, other than perfumery grade;	
	⊛ Alcohol , denatured, see Note, item 42704, or Methanol (Methyl Alcohol) , liquid;	
	⊛ Alcohol , denaturing, NOI, see Note, item 42692;	
	⊛ Alcohol , furfuryl;	
	⊛ Alcohol , isobutyl;	
	⊛ Alcohol , isopropanol or propyl;	
	⊛ Alcohol , octyl or isoctyl, other than perfumery grade;	
	⊛ Alcohol , propargyl;	
	⊛ Alcohol , tetrahydrofurfuryl;	
	⊛ Alcohol , anti-freeze, see Note, item 42694;	
	⊛ Distillates , synthetic alcohol, see Note, item 42696;	
	⊛ Fluid , spirit duplication machine, see Note, item 42703;	
	⊛ Oil , fusel;	
	⊛ Solvent , denatured alcohol, see Note, item 42698;	
	⊛ Solvent , isopropyl alcohol, see Note, item 42699;	
	⊛ Solvent , methanol, NOI, see Note, item 42702; See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums or steel cylinders	60
Sub 2	In inner containers in boxes or drums	65
Sub 3	In carboys	100
42692	NOTE—Not Involved.	
42694	NOTE—Not Involved.	
42696	NOTE—Not Involved.	
42698	NOTE—Not Involved.	
42699	NOTE—Not Involved.	
42702	NOTE—Not Involved.	
42703	NOTE—Not Involved.	
42704	NOTE—Not Involved.	

Poisonous Materials – Present Provisions

ITEM NO.	DESCRIPTION	CLASS
CHEMICALS GROUP: subject to item 42600 – (Continued)		
42930	Ammonium:	
43010	★ Fluoride . See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes or drums	85
Sub 2	In bulk in drums	70
43280	★ Arsenic , crude or white (Arsenic Trioxide), in boxes, drums or pails.....	70
43300	Barium:	
43340	★ Chlorate . See item 60000 for class dependent upon released value:	
Sub 1	In bulk in boxes or drums	70
Sub 2	In inner containers in boxes or drums	85
43390	★ Nitrate , in bags, boxes or drums.....	70
43400	★ Oxide , in drums	70
43410	★ Peroxide . See item 60000 for class dependent upon released value:	
Sub 1	In drums	70
Sub 2	In inner containers in boxes or drums	77.5
43540	★ Bromobenzyl Cyanide , in metal containers packed in wooden boxes, or in steel cylinders. See item 60000 for class dependent upon released value	150
43550	★ Bromine , in boxes or drums See item 60000 for class dependent upon released value	77.5
43890	★ Carbon Tetrachloride . See item 60000 for class dependent upon released value:	
Sub 1	In glass carboys.....	100
Sub 2	In boxes or drums	55
43940	★ Chemicals , NOI, see Note, item 43942. See item 60000 for class dependent upon released value:	
Sub 1	In glass carboys or Package 200.....	100
Sub 2	In boxes, drums, bags or Packages 1439, 2258, 2419 or 2499	85
43942	NOTE—Not Involved.	
43960	★ Chloroform , NOI. See item 60000 for class dependent upon released value:	
Sub 1	Technical grade:	
Sub 2	In Package 200 or in glass carboys	100
Sub 3	In inner containers in boxes or drums	85
Sub 4	In bulk in drums	55
Sub 5	Other than technical grade:	
Sub 6	In Package 200 or in glass carboys	100
Sub 7	In inner containers in boxes or drums	85
Sub 8	In bulk in drums	70
43980	★ Chloropicrin or Chloropicrin Insecticides , see Notes, items 42604 and 43982, in glass in hermetically sealed metal cans in boxes, in drums or steel cylinders	77.5
44170	★ Crotonaldehyde . See item 60000 for class dependent upon released value:	
Sub 1	In boxes or drums	70
Sub 2	In glass carboys.....	100
44200	Cyanohydrin , acetone or ethylene, in drums.....	70
44210	★ Cyanides , crude, NOI (Crude Cyanogen Salts , NOI), see Note, item 44212, in drums	65
44212	NOTE—Applies only when content of pure cyanide does not exceed 50 percent by weight.	
44300	★ Diethyl Sulfate , in boxes or drums	70
44340	★ Dimethylsulfate . See item 60000 for class dependent upon released value:	
Sub 1	In hermetically sealed inner containers in wooden boxes.....	150
Sub 2	In drums	70

Poisonous Materials – Present Provisions

ITEM NO.	DESCRIPTION	CLASS
CHEMICALS GROUP: subject to item 42600 – (Continued)		
44360	⊛Diphenylaminechloroarsine or Diphenylchloroarsine, in metal containers in wooden boxes or in steel cylinders. See item 60000 for class dependent upon released value.....	200
44410	⊛Epichlorohydrin or Glycerol Dichlorohydrin, in drums.....	70
44490	⊛Ethylene Chlorohydrin, in drums.....	70
44493	Ethylene Dibromide:	
Sub 1	In bulk in drums.....	55
Sub 2	In glass carboys.....	100
44495	⊛Ethylene Dichloride. See item 60000 for class dependent upon released value:	
Sub 1	In boxes, drums or steel cylinders.....	55
Sub 2	In glass carboys.....	100
44850	⊛Isobutyl Aldehyde, in bulk in drums. See item 60000 for class dependent upon released value.....	85
44870	Lead:	
44880	⊛Acetate. See item 60000 for class dependent upon released value:	
Sub 1	In bulk in boxes or drums.....	70
Sub 2	In containers in boxes or drums.....	85
44890	⊛Nitrate, in bags, boxes or drums. See item 60000 for class dependent upon released value.....	70
45030	Magnesium:	
45060	⊛Fluosilicate (Magnesium Silicofluoride). See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums.....	65
Sub 2	In inner containers in boxes, crates or drums.....	77.5
45290	⊛Methyl Chloroform or Trichloroethane:	
Sub 1	In inner containers in boxes.....	70
Sub 2	In bulk in drums.....	55
45310	⊛Methylene Chloride (Dichloromethane), in boxes or drums, or in Package 200...	55
45490	⊛Pentachlorethane. See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums.....	70
Sub 2	In inner containers in boxes or drums.....	85
45500	⊛Pentachlorophenol, in bags, boxes, drums or in block form in Package 2273.....	70
46080	Sodium (Soda):	
46120	⊛Arsenate. See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums.....	70
Sub 2	In inner containers in boxes or drums.....	77.5
46360	⊛Hydrosulfide (Sodium Hydrosulfate or Sodium Sulfhydrate), in drums or in woven polypropylene bags complying with Item 200 and having a moisture barrier.....	55
46770	⊛Sulfuryl Chloride. See item 60000 for class dependent upon released value:	
Sub 1	In glass carboys.....	100
Sub 2	In glass bottles in wooden boxes.....	100
Sub 3	In bulk in drums.....	70
46790	Tar Products:	
46860	⊛Dinitrobenzene (Dinitrobenzol), in drums.....	70
46880	⊛Dinitrophenol, in drums. See item 60000 for class dependent upon released value...	77.5
46950	⊛Nitrobenzene (Nitrobenzol or Oil Mirbane):	
Sub 1	In bulk in drums.....	65
Sub 2	In inner containers in boxes or drums.....	70

Poisonous Materials – Present Provisions

ITEM NO.	DESCRIPTION	CLASS
CHEMICALS GROUP: subject to item 42600 – (Concluded)		
46960	☛Nitroxylol (Nitroxylene), in drums	70
47000	☛Toluidine, in drums. See item 60000 for class dependent upon released value...	100
47010	☛Trichlorobenzene (Trichlorobenzol). See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums or steel cylinders	70
Sub 2	In inner containers in boxes or drums	77.5
Sub 3	In glass carboys.....	100
47020	☛Xylidine, in drums.....	70
47080	☛Tetrachloroethane (Acetylene Tetrachloride):	
Sub 1	In bulk in drums	65
Sub 2	In inner containers in boxes or drums	70
47180	☛Titanium Tetrachloride. See item 60000 for class dependent upon released value:	
Sub 1	In boxes, drums, or in steel shell cylinders in wooden boxes	100
Sub 2	In glass carboys.....	125
47200	☛Trichloroethylene. See item 60000 for class dependent upon released value:	
Sub 1	In Package 200.....	100
Sub 2	In boxes or drums, or in DOT Specification 1D carboys	55
47270	☛Xylol Bromide, in steel cylinders. See item 60000 for class dependent upon released value	150
47280	Zinc:	
47350	☛Fluosilicate, in drums	70
CLAY GROUP: subject to item 48020		
48020	Antimony Sulfide , concentrated ore (Needle Antimony), lump, in boxes or drums.....	60
48030	Antimony Sulfide , concentrated ore (Needle Antimony), pulverized or powdered (black sulfide, not purified), in boxes or drums. See item 60000 for class dependent upon released value	70
50260	☛Compounds, motor fuel anti-knock, NOI, in steel cans in wooden boxes, or in steel cylinders or drums	100
50320	☛Compounds, tree or weed killing (Herbicides), NOI, or 2, 4-D (Dichlorophenoxyacetic Acid) or 2, 4-D Formulations , in containers in boxes, crates or drums, in bulk in bags or drums or in Packages 246 or 2395, subject to Item 170 and having a density in pounds per cubic foot of:	
Sub 1	Less than 20	175
Sub 2	20 or greater	60
57100	☛Deodorants, NOI, other than contained in or in the form of decorations, novelties or ornaments, see Note, item 57101, or Disinfectants , NOI; other than medicinal and other than toilet preparations. See item 60000 for class dependent upon agreed or released value:	
Sub 1	In carboys	100
Sub 2	In inner containers in boxes or Package 2341 or in Package 2379	85
Sub 3	In bulk in drums, pails or Packages 2213, 2452 or 2473	60
57101	NOTE—Not Involved.	

Poisonous Materials – Present Provisions

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
DRUGS, MEDICINES OR TOILET PREPARATIONS: subject to item 58500		
58770	⊛ Drugs, Medicines or Vitamins , NOI, see Notes, items 58692 and 58772. See item 60000 for class dependent upon released value:	
Sub 1	In carboys	100
Sub 2	In boxes, drums or pails, in bags or in Packages 1344, 2180, 2407 or 2499, see Note, item 58773	85
58692	NOTE—Not Involved.	
58772	NOTE—Not Involved.	
60000	Drugs, Chemicals, Medicines, Toilet Preparations and Other Articles Named in items making reference to this item, value declared in writing by the shipper, or agreed upon in writing as the released value of the property, not exceeding \$2.15 per pound, see Notes, items 60002 and 60004, in packages provided in separate descriptions for articles, see Note, item 60006	70
60002	NOTE—Not Involved.	
60004	NOTE—Not Involved.	
60006	NOTE—Not Involved.	
60280	Dyestuffs , NOI, in boxes or drums. See item 60000 for class dependent upon released value	100
64300	⊛ Explosives , consisting of ammunition, explosive or incendiary, or gas or smoke or tear producing; Explosives , NOI; Propellants , explosive; Blasting Agents ; Fireworks ; Flares , NOI; or Ammunition or Cartridges , small arms, blank or loaded; in containers as provided in Item 540:	
Sub 1	Class A or B, or Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64301	200
Sub 2	Other than Class A or B, and other than Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64302	85
64301	NOTE—Not Involved.	
64302	NOTE—Not Involved.	
⊛GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); OR LIQUIDS POISONOUS BY INHALATION: subject to item 85500		
85670	⊛ Bromoacetone , in DOT Hazard Zone A or B, in glass in boxes; in steel cylinders; or in tubes in hermetically sealed metal cans in boxes, see Note, item 85671	200
85671	NOTE—Not Involved.	
85990	⊛ Hydrocyanic Acid Aqueous Solutions , containing not less than 5 percent but not more than 20 percent hydrogen cyanideic acid; or Hydrogen Cyanide ; in steel cylinders, in steel drums, or in containers in boxes	200
86045	⊛ Methyldichloroarsine , in steel cylinders, in steel drums, or in containers in boxes	200
102000	INSECTICIDES GROUP: Articles consist of Insecticides, Fungicides, Insect or Animal Repellents, or Vermin Exterminators, other than gases that are poisonous by inhalation, as described in items subject to this grouping, see Note, item 102002.	

Poisonous Materials – Present Provisions

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
	INSECTICIDES GROUP: subject to item 102000 – (Concluded)	
102020	⊛ Calcium Arsenate or Calcium Arsinates , see Note, item 102022, in bags or drums	77.5
102022	NOTE—Not Involved.	
102100	⊛ Insecticides or Fungicides, Insect or Animal Repellants, NOI, or Vermin Exterminators; or Dip , animal or poultry, NOI; poison, other than gases that are poisonous by inhalation, see Note, item 102101; in bags, boxes, cylinders, drums or pails	77.5
102140	⊛ Lead Arsenate ; dry, in bags, boxes or drums; or paste, in inner containers in boxes, drums or pails	77.5
102220	⊛ Paris Green or London Purple , in boxes, drums or pails.....	77.5
	OILS, OTHER THAN PETROLEUM , subject to item 144600	
144790	Compounds , organic (products of ammoniation of fatty acids), viz.: Nitriles , fatty; In bags, boxes or drums	65
	PAINTS GROUP: subject to item 149500	
149980	⊛ Paint and related material , see Note, item 149997, viz.: Additives , paint preserving (Barium-borate Compound); Color , mortar; Compounds , paint, lacquer, varnish, gum, resin, plastic or adhesive increasing, reducing, removing, thickening or thinning; Driers , paint or varnish; Fillers , wood; Lacquer ; Liquids , bronzing; Oxide , zinc; Paints, Stains or Varnishes , NOI; Pigments , NOI; Plasticizers , paint, lacquer, varnish, gum, resin or plastic; Shellacs ; Solvent , paint, lacquer, varnish, gum, resin, plastic, rubber or adhesive; Liquid or paste: In inner containers other than metal tubes, or other than in Package 2138, in boxes; in drums, kits, pails or portable tanks; or in Packages 1398, 2257, 2335, 2403, 2404, 2440, 2445, 2463, 2467, 2473, 2499, 2516 or 2521, see Note, item 149995	55
Sub 1		
Sub 2		
Sub 3	In metal tubes in boxes; or in glass in Package 2138, see Note, item 149995	85
Sub 4	In carboys, other than plastic carboys	100
Sub 5		
Sub 6	Dry, lump or powdered: In five-ply paper bags, double bags, drums, kits, pails or boxes; or in solid mass in Package 601; or in Packages 33, 934, 2301, 2374 or 2445.....	55
Sub 7	In paper bags.....	60
149995	NOTE—Not Involved.	
149997	NOTE—Not Involved.	

POISONOUS MATERIALS - Provisions Consistent With NCC Policies and Precedent

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
2080	ACIDS , see Notes, items 2083 and 2084:	
2083	No change.	
2084	NOTE—Materials regulated by the U.S. Department of Transportation as a poisonous material or poisonous gas or that is required to bear an 'INHALATION HAZARD,' 'POISON,' 'POISON GAS' or 'STOW AWAY FROM FOODSTUFFS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85500, GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); > POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION.	
3070	⊛ Arsenic , fused, in boxes or drums, or in bars wrapped in paraffined paper in wooden boxes only	70
4040	⊛ Carbolic (Phenol) ,.....	Cancel; see item A-NEW.
4060	⊛ Chlorosulfonic ,.....	Cancel; see item A-NEW.
4100	⊛ Cresylic (Cresol) ,.....	Cancel; see item A-NEW.
4160	⊛ Hydrocyanic Acid Aqueous Solutions , containing less than 5 percent hydrogen cyanideic acid, other than in DOT Hazard Zone A or B; ...	Cancel; see item A-NEW.
4180	⊛ Hydrofluoric ,.....	Cancel; see item A-NEW.
4200	⊛ Hydrofluoric and Sulfuric, mixed ,	Cancel see item B-NEW
4360	⊛ Nitric , > other than nitric acid required to bear a POISON label. See item 60000 for class dependent upon released value:	
Sub 1	In Package 200.....	No change.
Sub 2	In inner containers in boxes > or crates; in drums or Package 1190....	No change.
4540	⊛ Sulfuric, or Oil of Vitriol . See item 60000 for class dependent upon released value:	
Sub 2	> In carboys or Package 200.....	No change.
Sub 1	In inner containers in boxes or crates; or in drums or Package 1190	70
	ALUMINUM : subject to item 13100	
13620	> ⊛ Powder , > other than poison, in boxes or drums: NO CHANGE TO REMAINDER OF ITEM.	
42600	CHEMICALS GROUP , see Notes, items 42603 and 42604	
42603	NOTE— No change.	
42604	NOTE— > Materials regulated by the U.S. Department of Transportation as a poisonous material or poisonous gas or that is required to bear an 'INHALATION HAZARD,' 'POISON,' 'POISON GAS' or 'STOW AWAY FROM FOODSTUFFS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85500, ⊛GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); > POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION.	
42610	⊛> Acetaldehyde . See item 60000 for class dependent upon released value: NO CHANGE TO REMAINDER OF ITEM.	
42660	Alcohols , other than alcoholic liquors:	
42670	⊛ Alcohols , NOI; including Anhydrous Alcohol , not denatured. See item 60000 for class dependent upon released value:	
Subs 1 through 3--	No change.	
42680	⊛> Alcohol , methyl, in bulk in drums or steel cylinders	60
42690	⊛ Alcohol , amyl;	
	⊛ Alcohol , butyl, including Butanol ;	
	⊛ Alcohol , decyl, hexadecyl, hexyl, tridecyl, or undecyl, other than perfumery grade;	
	⊛ Alcohol , denatured, see Note, item 42704, or Methanol (Methyl Alcohol) , liquid;	
	⊛ Alcohol , denaturing, NOI, see Note, item 42692;	
	⊛ Alcohol , isobutyl;	
	⊛ Alcohol , isopropanol or propyl;	
	⊛ Alcohol , octyl or isoctyl, other than perfumery grade;	

POISONOUS MATERIALS - Provisions Consistent With NCC Policies and Precedent

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
42600	CHEMICALS GROUP, continued	
42690	★Alcohols, concluded ★Alcohol, tetrahydrofurfuryl; ★Alcohol, anti-freeze, see Note, item 42694; ★Distillates, synthetic alcohol, see Note, item 42696; ★Fluid, spirit duplication machine, see Note, item 42703; ★Oil, fusel; ★Solvent, denatured alcohol, see Note, item 42698; ★Solvent, isopropyl alcohol, see Note, item 42699; ★Solvent, methanol, NOI, see Note, item 42702; See item 60000 for class dependent upon released value: NO CHANGE TO REMAINDER OF ITEM	
42692	NOTE—No change.	
42694	NOTE—No change.	
42696	NOTE—No change.	
42698	NOTE—No change.	
42699	NOTE—No change.	
42702	NOTE—No change.	
42703	NOTE—No change.	
42704	NOTE—No change.	
42930	Ammonium:	
43010	★Fluoride.....	Cancel; see item A-NEW
43280	★Arsenic, crude or white (Arsenic Trioxide).....	Cancel; see item B-NEW
43300	Barium:	
43340	★Chlorate.....	Cancel; see item A-NEW
43390	★Nitrate.....	Cancel; see item B-NEW
43400	★Oxide.....	Cancel; see item B-NEW
43410	★Peroxide.....	Cancel; see item A-NEW
43540	★Bromobenzyl Cyanide.....	Cancel; see item A-NEW
43550	★Bromine.....	Cancel; see item A-NEW
43890	★Carbon Tetrachloride.....	Cancel; see item A-NEW
43940	★Chemicals, NOI.....	No change.
43960	★Chloroform, NOI.....	Cancel; see item A-NEW
43980	★Chloropicrin or Chloropicrin Insecticides.....	Cancel; see item B-NEW
43982	NOTE—Cancel; as having no further application	
44170	★Crotonaldehyde.....	Cancel; see item A-NEW
44200	Cyanohydrin, acetone or ethylene.....	Cancel; see item B-NEW
44210	★Cyanides, crude, NOI (Crude Cyanogen Salts, NOI).....	Cancel; see item B-NEW
44212	NOTE—Cancel; as having no further application.	
44300	★Diethyl Sulfate.....	Cancel; see item B-NEW
44340	★Dimethylsulfate.....	Cancel; see item A-NEW
44360	★Diphenylaminechloroarsine or Diphenylchloroarsine.....	Cancel; see item A-NEW
44410	★Epichlorohydrin or Glycerol Dichlorohydrin.....	Cancel; see item B-NEW
44490	★Ethylene Chlorohydrin.....	Cancel; see item B-NEW
44493	Ethylene Dibromide.....	Cancel, see item B-NEW
44495	★Ethylene Dichloride.....	Cancel; see item A-NEW
44870	Lead:	
44880	★Acetate.....	Cancel; see item A-NEW
44890	★Nitrate.....	Cancel; see item A-NEW
45030	Magnesium:	
45060	★Fluosilicate (Magnesium Silicofluoride).....	Cancel; see item A-NEW
45290	★Methyl Chloroform or Trichloroethane.....	Cancel; see item B-NEW
45310	★Methylene Chloride (Dichloromethane).....	Cancel; see item B-NEW
45490	★Pentachlorethane.....	Cancel; see item A-NEW
45500	★Pentachlorophenol.....	Cancel; see item B-NEW

POISONOUS MATERIALS - Provisions Consistent With NCC Policies and Precedent

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
	CHEMICALS GROUP: subject to item 42600 – (Concluded)	
46080	Sodium (Soda):	
46120	⊛Arsenate.....	Cancel; see item A-NEW
46360	⊛Hydrosulfide (Sodium Hydrosulfate or Sodium Sulfhydrate), > other than poison, in drums or in woven polypropylene bags complying with Item 200 and having a moisture barrier.....	No change.
46770	⊛Sulfuryl Chloride.....	Cancel; see item A-NEW
46790	Tar Products:	
46860	⊛Dinitrobenzene (Dinitrobenzol).....	Cancel; see item B-NEW
46880	⊛Dinitrophenol.....	Cancel; see item A-NEW
46950	⊛Nitrobenzene (Nitrobenzol or Oil Mirbane).....	Cancel; see item B-NEW
46960	⊛Nitroxylol (Nitroxylene).....	Cancel; see item B-NEW
47000	⊛Toluidine.....	Cancel; see item A-NEW
47010	⊛Trichlorobenzene (Trichlorobenzol).....	Cancel; see item A-NEW
47020	⊛Xylidine.....	Cancel; see item B-NEW
47080	⊛Tetrachloroethane (Acetylene Tetrachloride).....	Cancel; see item B-NEW
47180	⊛Titanium Tetrachloride.....	Cancel; see item A-NEW
47200	⊛Trichloroethylene.....	Cancel; see item A-NEW
47270	⊛Xylyl Bromide.....	Cancel; see item A-NEW
47280	Zinc:	
47350	⊛Fluosilicate.....	Cancel; see item B-NEW
	CLAY GROUP: subject to item 48020	
48020	Antimony Sulfide , concentrated ore (Needle Antimony), lump.....	Cancel; see item B-NEW
48030	Antimony Sulfide , concentrated ore (Needle Antimony), pulverized or powdered (black sulfide, not purified).....	Cancel; see item A-NEW
50260	⊛Compounds, motor fuel anti-knock, > other than poison, NOI, in steel cans in wooden boxes, or in steel cylinders or drums.....	No change.
50320	⊛Compounds, tree or weed killing (Herbicides), > other than poison, NOI, in containers, etc., REMAINDER OF ITEM – NO CHANGE.	
57100	⊛Deodorants, NOI, other than contained in or in the form of decorations, novelties or ornaments, see Note, item 57101, or Disinfectants , NOI; other than > poison, medicinal and toilet preparations. See item 60000 for class dependent upon agreed or released value: REMAINDER OF ITEM – NO CHANGE	
57101	NOTE—No change.	
60280	Dyestuffs , NOI, > other than poison, in boxes or drums. See item 60000 for class dependent upon released value.....	100
64300	⊛Explosives, consisting of ammunition, explosive or incendiary, or gas or smoke or tear producing; Explosives , NOI; Propellants , explosive; Blasting Agents , Fireworks ; Flares , NOI; or Ammunition or Cartridges , small arms, blank or loaded; in containers as provided in Item 540:	
Sub 1	> Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64301.....	No change.
Sub 2	> Other than Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64302.....	No change.
64301	NOTE—No change.	
64302	NOTE—No change.	

POISONOUS MATERIALS - Provisions Consistent With NCC Policies and Precedent

ITEM NO.	DESCRIPTION	CLASS
	⊛GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); > POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION: subject to item 85500	
85670	⊛Bromoacetone , in DOT Hazard Zone A or B, in glass in boxes; in steel cylinders; or in tubes in hermetically sealed metal cans in boxes, see Note, item 85671.....	Cancel; see item B-NEW
85671	NOTE—Cancel as having no further application.	
85990	⊛Hydrocyanic Acid Aqueous Solutions , containing not less than 5 percent but not more than 20 percent hydrogen cyanideic acid; or Hydrogen Cyanide ; in steel cylinders, in steel drums, or in containers in boxes.....	Cancel; see item B-NEW
86045	⊛Methyldichloroarsine , in steel cylinders, in steel drums, or in containers in boxes.....	Cancel; see item B-NEW
A-NEW	⊛Poisonous Materials , including liquids poisonous by inhalation, NOI, see Note, item C-NEW, in metal cylinders, in drums, in containers in boxes or crates or in Package 200, 246, 1190 or 2395. See item 60000 for class dependent upon released value:	
Sub 1	In Hazard Class 3, 4.1, 4.2, 4.3, 5.1, 6.1 or 8, Packing Group I, Hazard Zone A.....	300
Sub 2	In Hazard Class 3, 4.1, 4.2, 4.3, 5.1 or 8, other than Packing Group I, Hazard Zone A	250
Sub 3	In Hazard Class 6.1, other than Packing Group I, Hazard Zone A.....	200
B-NEW	⊛Poisonous Materials , including liquids poisonous by inhalation, see Note, item C-NEW, in metal cylinders, in drums, in containers in boxes or crates or in Package 200, 246, 1190 or 2395, viz.:	
	Acetone Cyanohydrin;	Ethylene Chlorohydrin;
	Antimony Sulfide , other than pulverized or powdered;	Ethylene Cyanohydrin;
	Arsenic;	Ethylene Dibromide;
	Arsenic Acid;	Fungicides, Herbicides,
	Arsenic Pentoxide;	Insecticides or Rodenticides,
	Arsenic Trioxide;	NOI; Insect or Animal
	Barium Nitrate;	Repellants or Vermin
	Barium Oxide;	Exterminators, NOI;
	Bromoacetone;	Hydrocyanic Acid Aqueous
	Calcium Arsenate;	Solutions;
	Calcium Arsenate and Calcium	Hydrofluoric and Sulfuric Acid,
	Arsenite Mixtures, solid;	mixed;
	Calcium Arsenite;	Hydrogen Cyanide;
	Chloropicrin or Chloropicrin	Lead Arsenate;
	Insecticides;	London Purple;
	Copper Acetoarsenite;	Methyldichloroarsine;
	Cyanide Solutions;	Motor Fuel Anti-knock Mixtures;
	Cyanides, inorganic, solid;	Nitriles;
	Dichloromethane;	Nitrobenzene;
	Dichlorophenoxyacetic Acid	Nitroxylens (o-;m-;p-;);
	(2,4-D);	Pentachlorophenol;
	1,3-Dichloropropanol-2;	Sodium Hydrosulfide Solutions;
	Diethyl Sulfate;	Tetrachloroethane;
	Dinitrobenzenes;	Trichloroethane;
	Dip , animal or poultry;	Xylidine;
	Epichlorohydrin;	Zinc Fluorosilicate;

Poisonous Materials - Provisions Consistent With NCC Policies and Precedent

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
	☛GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); > POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION: subject to item 85500	
B-NEW	☛Poisonous Materials, concluded:	
Sub 1	In Hazard Class 3, 4.1, 4.2, 4.3, 5.1, 6.1 or 8, Packing Group I, Hazard Zone A.....	300
Sub 2	In Hazard Class 3, 4.1, 4.2, 4.3, 5.1 or 8, other than Packing Group I, Hazard Zone A	250
Sub 3	In Hazard Class 6.1, other than Packing Group I, Hazard Zone A.....	200
C-NEW	Applies on materials meeting the U.S. DOT regulations' definition of poisonous materials, including liquids poisonous by inhalation, and required to bear a warning label to that effect on bills of lading and packages.	
102000	INSECTICIDES GROUP: See Notes, items 102002 and D-NEW.	
102002	NOTE—No change.	
D-NEW	NOTE—Materials regulated by the U.S. Department of Transportation as a poisonous material or poisonous gas or that is required to bear an 'INHALATION HAZARD,' 'POISON,' 'POISON GAS' or 'STOW AWAY FROM FOODSTUFFS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85500, GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION.	
102020	☛Calcium Arsenate or Calcium Arsenate,	Cancel; see item B-NEW
102022	NOTE—Cancel as having no further application.	
102100	☛Insecticides or Fungicides, Insect or Animal Repellants, NOI, or Vermin Exterminators; or Dip, animal or poultry, NOI; poison, other than gases that are poisonous by inhalation,.....	Cancel; see item B-NEW
102140	☛Lead Arsenate.....	Cancel; see item B-NEW
102220	☛Paris Green or London Purple.....	Cancel; see item B-NEW
144790	OILS, OTHER THAN PETROLEUM, subject to item 144600 Compounds, organic (products of ammoniation of fatty acids), viz.: Acetates, fatty amine; Acetates, fatty diamine; Amides, fatty; Amines, fatty; Compounds, fatty quaternary, such as di-fatty dimethyl or fatty trimethyl compounds; Diamines, fatty; Nitriles, fatty, > other than poison; In bags, boxes or drums.....	No change.

NCC Summary provided 10/28/99

Transportation Characteristics of Reinforced Hose per item 100120

- Density** – Current NCC low-density reports reveal a range of 5.82 to 13.21 pcf with an average of 8.08 pcf.
- Stowability** – The involved hose is shipped in coils, then packed into fibreboard boxes, which are shipped either individually or on shrink wrapped skids. Alternatively, hose or tubing may be shipped on wooden reels. The staff has no information indicating any stowability problems.
- Handling** – While there are no indications of handling problems, heavier palletized or skid shipments (which may weigh up to 1,000 lbs.) may require mechanical lifting equipment.
- Liability** – The involved products are not perishable or prone to spontaneous combustion or explosion. Additionally, these commodities are not regarded as high theft items and are not prone to damage. While there is no current information on file relating to the value per pound, historical information indicates that values are generally not excessive.

Docket 2000-1
Subject 10
January 26, 2000

ANALYSIS OF PROPOSAL

Re: Poisonous Materials

Staff Member Assigned: Lisa K. Winter

A. **Proponent:** Carrier members present at the Classification Panel meeting on November 9, 1999

B. **Present Classification Provisions:**

See Attachment A

C. **Proposed Classification Provisions:**

See Attachment B

D. **Proponent's Justification:**

It is proposed to establish specific provisions for materials meeting the U.S. Department of Transportation's (DOT) regulations' definition of poisonous materials, including liquids poisonous by inhalation, and required to bear a warning label to that effect on bills of lading and packages. A class 300 would be assigned to poisonous materials in Hazard Class 3, 4.1, 4.2, 4.3, 5.1, 6.1 or 8, Packing Group I, Hazard Zone A; a class 250 would be assigned to poisonous materials in Hazard Class 3, 4.1, 4.2, 4.3, 5.1 or 8, other than Packing Group I, Hazard Zone A; and a class 200 would be assigned to poisonous materials in Hazard Class 6.1, other than Packing Group I, Hazard Zone A. Also, various Classification items would be clarified so that they do not conflict with the new provisions for poisonous materials. Further, item 64300, which provides for explosives, would be updated to reflect current DOT terminology.

E. **Effect of Proposal:**

This is a comprehensive proposal involving all commodities deemed to be poisonous materials by the DOT. It would result in class increases or no class changes. Depending on the material involved and the degree of hazard posed in transportation, poisonous materials would be assigned class 300, 250 or 200.

However, with 89 percent of the specifically named poisons, shippers have the option of releasing the value of the involved shipment in exchange for a class 70, per item 60000. They would continue to have that option under the proposed provisions. Combining the provisions for commodities that would be subject to no class change with those that reference item 60000 reveals that, in fact, only seven percent of all poisonous materials would be subject to class increases. Only one poisonous material would receive a class 300, eight would receive a class 250 and 23 would receive a class 200.

F. Analysis of Proposal:

This is a proposal by carrier members present at the Classification Panel meeting on November 9, 1999. It would establish specific provisions for materials meeting the DOT regulations' definition of poisonous materials. Class 300, 250 or 200 would be assigned to poisonous materials. The class assigned would correspond with the material's degree of hazard; the number of coload restrictions or segregation requirements associated with its transport; and the consequent stowing, handling and liability concerns. Also, various *Classification* items would be clarified so that they do not conflict with the new provisions for poisonous materials. Further, item 64300, which provides for explosives, would be updated to reflect current DOT terminology.

1. Background of Classification Provisions:

Currently, there is no specific item for poisonous materials. Rather, they are classified under many different items with classes ranging from 55 to 200 (**See Attachment A**).

Many of the provisions were adopted from the rail *Classification* and have remained substantially unchanged to the present. Those items tend to assign classes predicated on the method of packaging. One example of the rail-adopted items is item 4040, which provides for carbolic acid, commonly known as phenol. A class 100 is assigned to phenol in carboys, a class 77.5 is assigned to phenol in inner containers in boxes and a class 70 is assigned to phenol in bulk in boxes or drums. Another example is item 44493, which provides for Ethylene Dibromide. A class 100 is assigned to Ethylene Dibromide when shipped in carboys and a class 55 is assigned to that chemical when it is shipped in drums.

Other items that provide for poisonous materials have been established or amended more recently. Still, the hazardous nature of the product was not considered, nor were the federal and state regulations governing their transportation when the current classes were established. For example, item 50320, which provides for herbicides, has classes based on density.

Still other items that provide for poisonous materials do have classes that reflect the added stowing, handling and liability assumed by the carrier. These items are item 43540, Bromobenzyl Cyanide, at class 150; item 44360, Diphenylaminechloroarsine or Diphenylchloroarsine, at class 200; item 85670, Bromoacetone, at class 200; item 85990, Hydrocyanic Acid Aqueous Solutions or Hydrogen Cyanide, at class 200; and item 86045, Methylchloroarsine, at class 200.

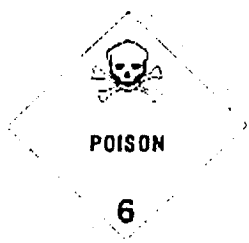
Until now, poisonous materials have never been considered by the NCC or its Panels as a group of products with like transportation characteristics that are defined by their poisonous nature.

2. Federal Regulations Governing Poisonous Materials:

There are eight hundred and fifty-five (855) listings in the DOT Hazardous Materials Table that involve poisonous materials. Of those 855 listings, 498 involve specifically named materials; the remainder are under the general "NOS" provisions in that table. Provisions in the DOT's Hazardous Materials Table governing poisonous materials, the corresponding NMFC item number, the Hazard Class, the Packing Group, the current NMFC class and the proposed NMFC class are shown in **Attachment C**.

The DOT regulations do not neatly group poisonous materials in one hazard class, like Corrosive materials (Class 8) or Oxidizers (Class 5.1). Rather, poisonous materials are distributed among eight hazard classes. Each of those classes has its own set of coload restrictions and

segregation requirements. The hazardous materials coloadng regulations are specified in 49 CFR 177.848. Poisonous materials are recognizable by their POISON, TOXIC or INHALATION HAZARD labels.¹ They are shown below.



a. Definitions:

A **poisonous material** by DOT definition means a material, other than a gas, which is known to be so toxic to humans as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity:

1. Is presumed to be toxic to humans because it falls within any one of the following categories when tested on laboratory animals (whenever possible, animal test data that has been reported in the chemical literature should be used):

a. Oral Toxicity. A liquid with an LD₅₀ for acute oral toxicity of not more than 500 mg/kg or a solid with an LD₅₀ for acute oral toxicity of not more than 200 mg/kg.

b. Dermal Toxicity. A material with an LD₅₀ for acute dermal toxicity of not more than 1000 mg/kg.

c. Inhalation Toxicity.

2. A dust or mist with an LC₅₀ for acute toxicity on inhalation of not more than 10 mg/L; or

3. A material with a saturated vapor concentration in air at 20 °C (68 °F) of more than one-fifth of the LC₅₀ for acute toxicity on inhalation of vapors and with an LC₅₀ for acute toxicity on inhalation vapors of not more than 5000 ml/m³; or

4. Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

b. Packing Group

The involved materials are assigned Packing Groups I through III, according to the degree of toxicity. The Packing Group is assigned in Column 5 of the Hazardous Materials table. When the table provides more than one packing group or hazard zone for a poisonous material, the packing group and hazard zone is determined by applying the criteria specified in 49 CFR § 173.133.

The most toxic materials are required to be in packages that theoretically provide maximum protection--in Packing Group I; and the least toxic materials are required to be in packages that provide a minimum level of protection--in Packing Group III. However, as pointed out by Mr. Larry Bierlein of the Conference on Safe Transportation of Hazardous Articles, a higher standard of packaging does not neutralize the degree of hazard the material presents in transport. He states:

The general principle is that the higher the hazard of the intended haz-

¹ Poisons in Packing Group III will be allowed to bear a Harmful, Stow Away From Foodstuffs label until October 1, 2003. After that, poisonous materials in Packing Group III will be required to bear a "POISON" label with the option of having the added text "PG III" printed adjacent to the label.

ardous materials contents, the more stringent the tests that must be passed. The assumption is that packaging which passes more stringent tests is of higher quality. It may be of higher quality, but whether that quality ultimately is high enough to put your hazardous material into transportation is your decision and it is not made by the regulations. Therefore, as the shipper who selects the packaging you have a more subtle but important obligation under performance standards to order packaging that is good enough to work, as well as to pass the tests. You may find that you need to exceed the basic UN testing levels to give yourself peace of mind, especially in larger packaging for liquids.

3. Transportation Characteristics of Poisonous Materials:

Density: Poisonous materials have an actual density range from 9.53 to 47.49 pcf and have an actual average density of 27.30 pcf. The differences in density may be attributed to the vast array of packages used to transport poisonous materials.

Stowability: Stowing poisonous materials on carrier docks and trailers is more difficult due to their coload restrictions and segregation requirements than stowing most other freight. No poisonous materials can be coloaded with food, feed or other edible material (177.84). Food and "kindred products" accounted for the highest dollar amount of shipments and the fourth largest category of shipments by weight, according to a 1993 Commodity Flow Survey released in 1996 by the Bureau of Census. This statistic suggests that on any given day, for-hire motor carriers have shipments of food on their docks going to all destinations that they serve. Because of the coload restrictions imposed by the DOT between poisonous materials and food and feed, the presence of poisonous materials in a carrier's system has the likelihood of disrupting the flow of operations more than other general freight.

Poisonous materials are restricted from being coloaded with over 1150 other hazardous materials and they cannot be coloaded and must be segregated from innumerable products that are provided for under general "NOS" descriptions in the DOT's hazardous materials regulations. For example, the 68 flammable liquids that are required to bear a poison label must be segregated in the trailer from oxidizers (Hazard Class 5.1). Numerous products regulated by the DOT as oxidizers are known by trade names or are mixtures of chemicals containing oxidizers. One of the hundreds of oxidizing products that are provided for under general "NOS" provisions in the DOT's hazardous materials table is a product known as Pulsar Pellets™ made by Olin Chemicals Company. This product contains hypochlorous acid, calcium salt, calcium hypochlorite, and bleaching powder. Another product described as a "silver stain kit oxidizer solution," made by Bio-Rad Laboratories, contains potassium bichromate; and a "reticulum kit" by Fisher Scientific consists of potassium permanganate and water. The chemicals that are ingredients in these products are regulated by the DOT as oxidizers and they must be segregated in the trailer from flammable liquids with secondary poison labels.

The segregation requirements and coload restrictions imposed by the DOT can result in the inability to load a trailer to capacity. For instance, when a carrier makes a pickup at a chemical manufacturer's facility, the shipment or shipments may contain hazardous materials that cannot be coloaded on the same trailer. In such cases, a carrier would be required to dispatch two vehicles for freight that could otherwise have been loaded onto one vehicle. This is not merely a theoretical concern. Carriers have reported that they have had to dispatch two trailers to the same facility to accommodate the federal coload restrictions and a shipper representative has confirmed that this has happened with his company. A half-empty trailer is often the result of such compliance efforts.

This results in poor cube utilization and, thus, poor stowability, and would reduce the loaded density of poisonous materials to well below the actual density average of 27.30 pcf.

For instance, red fuming nitric acid, a poisonous material in Hazard Class 8, is made in the same Sigma-Aldrich, Milwaukee, Wisconsin plant as acrolein, a poisonous material in Packing Group I, Hazard Zone A. Red fuming nitric acid is restricted from being coloaded in the same trailer with acrolein. To accommodate the coload restriction, two separate trailers would have to be dispatched to the facility to pick up containers holding each chemical. In a best-case scenario, each commodity would have to be placed in a separate trailer that has been loaded almost to capacity, except with enough floor space to accommodate the involved chemicals. Red fuming nitric acid in glass bottles in fibreboard boxes has dimensions of 10.5" x 7.5" x 12" and weighs 9 pounds. This computes to an actual density of 16.46 pcf. However, if no freight is loaded on top of the nitric acid, the empty space above the container is wasted and would be counted as the height of the container itself. In that case, the "loaded" density would be under 2.00 pcf.

However, a more likely occurrence would be that one or both of the trailers would be half full. And to accommodate the time restrictions imposed by the DOT in delivery (hazardous materials must be delivered within 48 hours), carriers would not have the luxury of waiting for compatible freight to fill the trailer to capacity. In those instances the actual density of 16.46 pcf would be reduced to a loaded density of under 1.00 pcf.

While all poisonous materials are more difficult to stow than general boxed freight, the degree of difficulty is relative to the degree of hazard and the subsequent number of coload restrictions imposed upon them by the DOT. The poisonous materials most difficult to stow fall in Packing Group I, Hazard Zone A. All of these materials are required to bear an INHALATION HAZARD label. These materials, in addition to the fact that they are poisonous if ingested, present severe inhalation hazards. The table below demonstrates the severe coload restrictions and segregation requirements imposed on the specifically named materials in Packing Group I, Hazard Zone A:

<i>PIH Chemical Name</i>	<i># of Materials With Which Cannot Be Coloaded</i>	<i># of Materials From Which Must Be Segregated</i>
Acrolein, inhibited	1142	69
Bromine or Bromine Solutions	1158	16
Bromine Pentafluoride	1158	85
Tert-Butyl isocyanate	1142	69
Ethyl isocyanate	1158	85
Ethyleneimine, inhibited	1142	69
Hydrogen cyanide, stabilized	1142	69
Iron pentacarbonyl	1142	69
Isopropyl isocyanate	1158	85
Methoxymethyl isocyanate	1158	85
Methyl chloroformate	1142	69
Methyl chloromethyl ether	1142	69
Methyl isocyanate	1142	69
Methyl vinyl ketone	1158	85
Methyl hydrazine	1142	69
Nickel carbonyl	1142	69
Pentaborane	1158	16
n-Propyl isocyanate	1142	69
Sulfuryl chloride	1158	16

The poisonous materials that present stowing problems that are extreme, but not as severe as those materials in Packing Group I, Hazard Zone A are poisonous materials in Hazard classes 3, 4.1, 4.2, 4.3, 5.1 and 8. There are 156 specifically named poisonous materials in this grouping. The following table demonstrates the coloaded restrictions and segregation requirements:

<i>Hazard Class</i>	<i># of Poisonous Materials in Hazard Class</i>	<i># of Materials With Which Cannot Be Coloaded</i>	<i># of Materials From Which Must Be Segregated</i>
3	68	16	150
4.1	9	16	314
4.2	9	314	16
4.3	17	16	314
5.1	19	16	732
8	34	102	356

The poisonous materials that present the least degree of stowing difficulties are the 323 remaining materials in Hazard Class/Division 6.1, other than in Packing Group I, Hazard Zone A. While they are still more difficult to stow than general boxed freight because of the food and feed coloaded prohibitions, these materials are not subject to coloaded restrictions or segregation requirements with other hazardous materials.

Handling: All carrier personnel who are involved in the handling of hazardous materials are required to know, not only DOT regulations, but also Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) regulations. Experience has shown that these regulations change several times a year. Carriers are responsible for training their employees in all aspects of the ever-changing regulations as they relate to the transportation of hazardous materials.

Training employees in handling hazardous materials and then supervising them to ensure compliance takes additional time, more paperwork and extra carrier personnel than that required when transporting nonhazardous freight.

Moreover, to fully comply with all requirements of the hazardous materials regulations, carriers must implement and update a program to train employees in the handling of materials, including poisonous materials, which are subject to such regulations. Personnel who must be trained in the intricacies of handling hazardous materials include: dispatchers, drivers (pickup, line-haul and delivery), driver supervisors, billing clerks, billing supervisors, terminal managers, freight handlers, dock foremen, maintenance personnel, safety and claims personnel, and even sales personnel.

Even though the shipper executes the bill of lading, the carrier's driver must check the accuracy of that information, ascertain that the shipper's compliance certification statement is included, accurately count the number of pieces tendered, verify the inclusion of an emergency contact telephone number and, further, verify the application of the proper hazard labels.²

It is also imperative that the pickup driver be aware of the type of freight already in the vehicle to ensure that coloaded prohibitions and the segregation of hazardous materials restrictions are complied with. The driver must also be aware of the threshold quantities of hazardous materials that will trigger the need to display the appropriate warning placards on the vehicle. If placards are required, the driver must ensure that they are properly displayed on the vehicle (visible from the

² 49 CFR §177.815, § 177.817

front, rear and both sides).³ The driver must also place the shipping documents for all hazardous materials on top of all documents for nonhazardous freight, or distinctively tab each hazardous materials shipping paper, and the hazardous materials documents must be kept within the driver's reach at all times.⁴ Considering the thousands of hazardous materials handled daily by for-hire carriers and the inescapable fact that leaks, spills, fires and accidents occur, many carriers equip each vehicle transporting hazardous materials with a copy of the Emergency Response Guidebook, and the driver is trained in its use.⁵ In addition to the information in the Emergency Response Guidebook, virtually every carrier has its own rules that detail the actions to be taken by drivers in the event of problems involving hazardous materials.

Carrier billing personnel must be trained to recognize hazardous materials shipments and to accurately transfer all information on these materials from the bill of lading to the freight bill (a copy of which is used to move the freight through the carrier's system to its destination). Additionally, many carriers require that freight bills pertaining to hazardous materials be "flagged" as a means to ensure that freight handlers and drivers are aware of the dangers presented by the material.

All personnel involved in terminal operations must be thoroughly trained in the initial response to be taken in emergencies involving various hazardous materials. In this respect, the Emergency Response Guidebook often provides direction as to the first steps to be taken in emergency situations. This guide, among other things, provides information as to isolation distances required in the event of small and large spills for various materials, including many poisonous materials. For instance, with a large spill or leak of poisonous materials, initial downwind evacuation for at least 1000 feet is recommended. In case a large spill catches fire, the guide directs isolation for a ½ mile in all directions. Such an incident will often be disruptive of the operations of the entire terminal.

Terminal managers, dock foremen and freight handlers must all be trained to be familiar with the care and attention required in the handling of hazardous materials, including the coloaded prohibitions and segregation of freight bearing different DOT-required hazard designation labels.

Further, complying with the involved handling regulations requires at least one dedicated space on carrier docks for hazardous materials. To comply with segregation requirements, more than one area of a carrier dock is required for storing the involved materials. Most general freight does not require a separate space on the carriers' docks.

The following shows examples of the many regulations regarding where and how containers of poisonous materials must be stored.

- As discussed in the "stowability" section, the DOT regulations state that poisonous materials cannot be coloaded with hundreds of specifically-named hazardous materials and must be segregated in the trailer from hundreds more. And they cannot be coloaded and must be segregated from an unknown number of products that are provided for under general "NOS" descriptions in the DOT's hazardous materials regulations.
- OSHA regulations require that containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.
- OSHA further requires that no pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

³ 49 CFR § 177.823

⁴ 49 CFR §172.504, § 177.817 (e)

⁵ The DOT hazardous materials regulations (§172.602 (a) and §172.604 (a)) require that specific emergency response information be displayed on shipping papers or another document accompanying the shipment. In order to comply with these regulations many shippers require carriers handling their freight to equip vehicles with a copy of the Emergency Response Guidebook.

49 CFR § 177.834 requires that packages of poisonous materials are secured in the vehicle and that materials are so braced as to prevent motion thereof relative to the vehicle in transit. Containers having valves or other fittings must be so loaded that there will be a minimum of likelihood of damage thereto during transportation.

The coloadng restrictions cited in the "stowability" section of this report can necessitate dispatching multiple vehicles. Further, the coloadng restrictions and segregation requirements impact carriers' terminal operations, adding to handling time and effort. Also, state and local governments have banned transportation of hazardous materials on certain routes. For example, hazardous materials are prohibited from moving through a tunnel on the one major interstate highway that cuts through Washington, D.C. Trailers containing hazardous materials have to take a different route.

A number of poisonous materials are shipped in glass containers. (Approximately 90 incidents involving glass containers were reported to the DOT in 1998 alone.) Carrier personnel must exercise extreme caution when loading and unloading these products. Breaking a glass container of a poisonous material would result in much greater damage and response than breaking a glass container of a nonhazardous material. Consider the difference between a broken jar of mayonnaise and a broken jar of dichloromethane.

Further, some poisonous and flammable liquids become volatile at 95° Fahrenheit; whereas, truck trailer temperatures may climb as high as 180° Fahrenheit when they are not moving.⁶ When these two factors are combined, a flammable liquid may combust, damaging or destroying other freight and carrier equipment. Since some of the involved material are not only flammable, but are also poison inhalation hazards, the vapors from a release are so hazardous that inhaling them may kill carrier personnel, the emergency responders and the general public. For these reasons, additional care should be taken to avoid delays in transit.

Liability:

Poisonous materials have the propensity to damage freight with which transported, carrier equipment, carrier personnel, the general public and the environment. Poisonous materials may spontaneously combust or explode. According to the Federal Chemical Safety and Hazard Investigation Board:

a chemical accident does not just affect employees and locations directly involved with the accident. Chemical releases may render large geographic areas uninhabitable, cause debilitating or life-threatening illnesses and genetic abnormalities in multiple generations of humans and animals, result in wide-spread contamination of food supplies and water, and require the expenditure of millions of public dollars over many years to clean up affected environments and care for affected individuals. Releases and subsequent litigation may place even the most responsible of companies in financial peril. In short, social disruption of the family unit and community structure may occur, and economic losses, environmental degradation, and deterioration of human health may result.

⁶Heat Sensitive Product Distribution Study, (1988), Mr. Gerald A. Hock, CP-P

Further they are time-sensitive. Shipments of poisonous materials that are refused by the consignee or that cannot be delivered within 48 hours after arrival at the destination, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available, or (3) by sale, or (4) when necessary to safety, by destruction. (See 49 CFR §177.853.)

As with the stowability and handling transportation characteristics, the liability assumed by the carrier when transporting poisonous materials is proportionate to the degree of hazard presented by the material being transported. Further, while the DOT requires that the most hazardous materials are contained in packages that have passed more stringent performance requirements, it does not follow that the required packaging will adequately contain the involved hazardous material in transit. Nor does the incident information provided by the DOT show that the higher the packing group the lower the number of package failures and resulting low percent of damage. Rather, the package failures, incidents and damages are distributed throughout the packing groups.

This indicates that regardless of the packaging level required by the DOT for poisonous materials, the allowable packages may not withstand the rigors of less-than-truckload transportation. And if a package that has passed the DOT's performance tests requirements fails in transportation, contrary to the opinion of Mr. Bierlein cited previously, the carrier may ultimately be liable for the damage incurred from such a failure. Many incidents that occurred from the years 1990 to the present were the result of package failure. The reasons for the failures include loose fittings, defective fittings, corrosion, metal fatigue and friction or rubbing.

Poisonous materials in Packing Group I, Hazard Zone A present the highest degree of hazard. In fact, the worst industrial chemical incident in modern history involved materials that fall in this category. Just after midnight on December 3, 1984, a pesticide plant in Bhopal, India accidentally released approximately 40 metric tons of methyl isocyanate into the atmosphere. That spill resulted in the immediate death of over 2,000 people, injuries were sustained by over 100,000 people, significant damage was caused to livestock and crops. The International Medical Commission on Bhopal estimated that as of 1994 more than 50,000 people remained partially or totally disabled. Because of that accident, the US government has established regulations to guard against a disaster of that magnitude occurring in the United States. However, a 1990 Environmental Protection Agency analysis of US chemical incidents showed that of the 29 incidents considered, 17 US incidents released sufficient volumes of chemicals with such toxicity that the potential consequences (depending on weather conditions and plant location) could have been more severe than in Bhopal. (EPA Clean Air Act Amendments, 1990). The potential for injury or death in transporting materials in Packing Group I, Hazard Zone A is more than theoretical. On August 24, 1999, a truck driver was killed after being exposed to the vapors of one to three gallons of acrolein.

Poisonous materials other than in Packing Group I, Hazard Zone A have other hazards associated with transporting them. They may be flammable, spontaneously combustible, dangerous when wet or corrosive. These products, while not as potentially lethal as the PIH materials, have the propensity to damage freight with which stowed, carrier personnel, carrier equipment, the environment and the general public.

Materials in Hazard Class 6.1, other than in Hazard Zone A, Packing Group I, are the least likely to damage freight with which stowed. Still, from 1993 to 1998 there were 6,582 incidents involving materials in Hazard Class 6.1 in for-hire van-type motor carrier equipment. These incidents resulted in 281 minor injuries and 5 major injuries. Damages from these incidents totaled \$20,990,025.

Attachment D provides Chemical Incident Reports and newspaper articles involving the release of poisons. People were killed, others injured, highways were closed for hours and thousands of people were evacuated as a result of these releases. When these incidents occur in transit, the trucking company is often held responsible for the costs associated with spill clean up. When people are injured or are killed, or the environment is contaminated as a result of the spill, carriers must often pay for resulting damages and are often subject to litigation. As pointed out in the Chemical Safety and Hazard Investigation Board's mission statement, releases and subsequent litigation may place even the most responsible of companies in financial peril.

G. Relationship of Proposal to NCC Policies and Guidelines:

NCC policies with respect to stowability, handling and liability state that when these transportation characteristics are unusual or significant, the NCC may deviate from the density guidelines. Poisonous materials have a range in density from 9.53 to 47.49 pcf, and an average density of 27.30 pcf. As a result of the coload restrictions of poisonous materials and food or feed and other hazardous materials, the loaded density of poisonous materials may be considerably less than the actual density.

Further, stowing and handling poisonous materials may prove fatal to carrier personnel, emergency response personnel and the general public. Additionally, the liability assumed by the carrier when transporting poisonous materials is greater than that assumed when transporting most other freight. In this regard, the ICC in *Rates on Powder and High Explosives*, 151 I.C.C. 155, 163, stated:

In fixing rates on [powder and high explosives] we should of course, take into consideration the dangers attendant to their transportation and the service afforded by the carriers in order to avoid accidents from such transportation...How much should be included in the rates in recognition of hazard is necessarily a matter of judgement.

While all poisonous materials are more difficult to stow and handle than general boxed freight, the degree of difficulty is relative to the degree of hazard and the subsequent number of coload restrictions imposed upon them by the DOT. Further, the level of liability assumed by the carrier when transporting poisonous materials is proportional to the extent of the hazard posed by the involved material.

This proposal would assign a class 300, 250 or 200 to poisonous materials. The class assigned would correspond with the material's degree of hazard; the number of coload restrictions or segregation requirements associated with its transport; and the consequent stowing, handling and liability concerns. These proposed changes are consistent with NCC policy with respect to commodities that present additional stowing, handling and liability concerns when compared with other general freight.

In the past, the NCC has assigned classes predicated on the added stowing, handling and liability traits associated with transporting hazardous products. Most recently, as a result of action taken on Docket 974, Subject 10, the NCC voted to increase the class for hazardous petroleum products from 65 to 85, predicated on the additional stowing, handling and liability concerns associated with their transportation. A shipper group protested the NCC action to the STB. The group argued that the hazardous nature of petroleum products did not affect their transportation characteristics. They further argued that the class 65 already took into account the hazardous nature of petroleum products that are regulated by the DOT. The involved petroleum products were shown to have an average density of 28.49 pcf. They were shown to have

coload restrictions from other hazardous materials and added handling concerns. Additionally, the liability assumed by the carrier when transporting hazardous petroleum products was much greater than when handling other general boxed freight. The STB voted not to suspend or investigate and the approved changes became effective on December 20, 1997.

Poisonous gases were also assigned classes predicated on their unusual and significant stowing, handling and liability traits. As the result of action taken on Docket 964, Subject 24, gases that are poisonous by inhalation were assigned classes 200, 175 and 150, predicated on the degree of hazard. Information on file shows that poison gases have densities ranging from 15 to 96 pcf. Their average density is unknown. As with poisonous materials, the most hazardous poisonous gases are subject to the greatest number of coload restrictions; whereas, the least hazardous poisonous gases are subject to the fewest coload restrictions and segregation requirements. Poisonous gases in Hazard Zone A were assigned a class 200; Gases in Hazard Zone B were assigned a class 175 and poisonous gases other than in Hazard Zone A or B was assigned a class 150. Unlike poisonous gases, as mentioned, poisonous materials, other than poisonous gases, are subject to coload restrictions with food or feed. These restrictions, in addition to the restrictions imposed with respect to other hazardous materials, add considerably to the stowing and handling considerations associated with transporting poisonous materials in the less-than-truckload transportation environment.

Further, NCC clarification policy calls for replacing outdated terminology in item descriptions with current terminology. Item 64300, which provides for explosives, refers to Class A or B explosives. The DOT no longer categorizes explosives in Class A or B; rather, it has adopted the United Nations system of classifying Hazardous Materials. That system assigns Hazard Class 1, Divisions 1 through 6 to explosives. Amending item 64300 to update the terminology, as proposed, would be in keeping with NCC policy.

In light of the above, this proposal is in keeping with NCC policies and guidelines.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10		
PRESENT		
2080	ACIDS: see Notes, items 2083 and 2084	
2083	NOTE—Not Involved.	
2084	NOTE—Materials classed in the U.S. Department of Transportation regulations as a gas that is poisonous by inhalation or that is required to bear a 'POISON GAS' or 'TOXIC GAS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85900.	
3070	☛ Arsenic , fused, in boxes or drums, or in bars wrapped in paraffined paper in wooden boxes only	70
4040	☛ Carbolic (Phenol) . See item 60000 for class dependent upon released value:	
Sub 1	In carboys	100
Sub 2	In inner containers in boxes	77.5
Sub 3	In bulk in boxes or drums	70
4060	☛ Chlorosulfonic . See item 60000 for class dependent upon released value:	
Sub 1	In glass bottles in wooden boxes	100
Sub 2	In bulk in drums	60
4100	☛ Cresylic (Cresol) . See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes or drums	77.5
Sub 2	In bulk in drums	70
Sub 3	In Package 200	100
4160	☛ Hydrocyanic Acid Aqueous Solutions , containing less than 5 percent hydrogen cyanideic acid, other than in DOT Hazard Zone A or B, in inner containers in boxes or drums, or in steel cylinders. See item 60000 for class dependent upon released value	85
4180	☛ Hydrofluoric . See item 60000 for class dependent upon released value:	
Sub 1	In containers in boxes or drums, in lead carboys in steel jackets, or in plastic carboys	85
Sub 2	In bulk in drums or in steel cylinders	70
4200	☛ Hydrofluoric and Sulfuric, mixed , in bulk in drums	70
4360	☛ Nitric . See item 60000 for class dependent upon released value:	
Sub 1	In Package 200, or in carboys other than DOT specification 1D carboys ...	100
Sub 2	In inner containers in boxes, in Package 1190, or in DOT specification 1D carboys	70
Sub 3	In bulk in drums	70
4540	☛ Sulfuric, or Oil of Vitriol . See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes, in DOT specification 1D carboys or in Package 1190	70
Sub 2	In carboys other than DOT specification 1D carboys, or in Package 200 ...	100
Sub 3	In drums	60
ALUMINUM: subject to item 13100		
13620	Powder , in boxes or drums:	
Sub 1	NOI	85
Sub 2	Atomized granular, also in Package 2054	60

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10 – (Continued)		
PRESENT – CONTINUED		
42600	CHEMICALS GROUP: see Notes, items 42603 and 42604	
42603	NOTE— Not Involved.	
42604	NOTE— Materials classed in the U.S. Department of Transportation regulations as a gas that is poisonous by inhalation or that is required to bear a 'POISON GAS' or 'TOXIC GAS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85900.	
42610	⊛ Acetaldehyde or Acetadol (Aldol). See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums	70
Sub 2	In inner containers in boxes, or in steel cylinders	77.5
Sub 3	In carboys	100
	Alcohols, other than alcoholic liquors: subject to item 42660	
42680	⊛ Alcohol, allyl, or Alcohol, methallyl, in bulk in drums or steel cylinders....	60
42690	⊛ Alcohol, amyl;	
	⊛ Alcohol, butyl, including Butanol;	
	⊛ Alcohol, decyl, hexadecyl, hexyl, tridecyl, or undecyl, other than perfumery grade;	
	⊛ Alcohol, denatured, see Note, item 42704, or Methanol (Methyl Alcohol), liquid;	
	⊛ Alcohol, denaturing, NOI, see Note, item 42692;	
	⊛ Alcohol, furfuryl;	
	⊛ Alcohol, isobutyl;	
	⊛ Alcohol, isopropanol or propyl;	
	⊛ Alcohol, octyl or isooctyl, other than perfumery grade;	
	⊛ Alcohol, propargyl;	
	⊛ Alcohol, tetrahydrofurfuryl;	
	⊛ Alcohol, anti-freeze, see Note, item 42694;	
	⊛ Distillates, synthetic alcohol, see Note, item 42696;	
	⊛ Fluid, spirit duplication machine, see Note, item 42703;	
	⊛ Oil, fusel;	
	⊛ Solvent, denatured alcohol, see Note, item 42698;	
	⊛ Solvent, isopropyl alcohol, see Note, item 42699;	
	⊛ Solvent, methanol, NOI, see Note, item 42702; See item 60000 for class dependent upon released value:	
Sub 1 - 3	Not Involved.	
42692	NOTE—Not Involved.	
42694	NOTE—Not Involved.	
42696	NOTE—Not Involved.	
42698	NOTE—Not Involved.	
42699	NOTE—Not Involved.	
42702	NOTE—Not Involved.	
42703	NOTE—Not Involved.	
42704	NOTE—Not Involved.	
42930	Ammonium:	
43010	⊛ Fluoride. See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes or drums	85
Sub 2	In bulk in drums	70
43280	⊛ Arsenic, crude or white (Arsenic Trioxide), in boxes, drums or pails.....	70
43300	Barium:	
43340	⊛ Chlorate. See item 60000 for class dependent upon released value:	
Sub 1	In bulk in boxes or drums	70
Sub 2	In inner containers in boxes or drums	85
43390	⊛ Nitrate, in bags, boxes or drums.....	70
43400	⊛ Oxide, in drums.....	70
43410	⊛ Peroxide. See item 60000 for class dependent upon released value:	
Sub 1	In drums	70
Sub 2	In inner containers in boxes or drums	77.5

ITEM NO.	DESCRIPTION	CLASS
SUBJECT 10 – (Continued)		
PRESENT – CONTINUED		
CHEMICALS GROUP: subject to item 42600 – (Continued)		
43540	⊛Bromobenzyl Cyanide, in metal containers packed in wooden boxes, or in steel cylinders. See item 60000 for class dependent upon released value	150
43550	⊛Bromine, in boxes or drums. See item 60000 for class dependent upon released value	77.5
43890	⊛Carbon Tetrachloride. See item 60000 for class dependent upon released value:	
Sub 1	In glass carboys.....	100
Sub 2	In boxes or drums	55
43960	⊛Chloroform, NOI. See item 60000 for class dependent upon released value:	
Sub 1	Technical grade:	
Sub 2	In Package 200 or in glass carboys	100
Sub 3	In inner containers in boxes or drums	85
Sub 4	In bulk in drums	55
Sub 5	Other than technical grade:	
Sub 6	In Package 200 or in glass carboys	100
Sub 7	In inner containers in boxes or drums	85
Sub 8	In bulk in drums	70
43980	⊛Chloropicrin or Chloropicrin Insecticides, see Notes, items 42604 and 43982, in glass in hermetically sealed metal cans in boxes, in drums or steel cylinders	77.5
44170	⊛Crotonaldehyde. See item 60000 for class dependent upon released value:	
Sub 1	In boxes or drums	70
Sub 2	In glass carboys.....	100
44200	Cyanohydrin, acetone or ethylene, in drums	70
44210	⊛Cyanides, crude, NOI (Crude Cyanogen Salts, NOI), see Note, item 44212, in drums	65
44212	NOTE—Applies only when content of pure cyanide does not exceed 50 percent by weight.	
44300	⊛Diethyl Sulfate, in boxes or drums	70
44340	⊛Dimethylsulfate. See item 60000 for class dependent upon released value:	
Sub 1	In hermetically sealed inner containers in wooden boxes.....	150
Sub 2	In drums	70
43982	NOTE—Also applies on mixtures of chloropicrin and methy chloride.	
44360	⊛Diphenylaminechloroarsine or Diphenylchloroarsine, in metal containers in wooden boxes or in steel cylinders. See item 60000 for class dependent upon released value.....	200
44410	⊛Epichlorohydrin or Glycerol Dichlorohydrin, in drums.....	70
44490	⊛Ethylene Chlorohydrin, in drums	70
44493	Ethylene Dibromide:	
Sub 1	In bulk in drums	55
Sub 2	In glass carboys.....	100
44495	⊛Ethylene Dichloride. See item 60000 for class dependent upon released value:	
Sub 1	In boxes, drums or steel cylinders	55
Sub 2	In glass carboys.....	100
44850	⊛Isobutyl Aldehyde, in bulk in drums. See item 60000 for class dependent upon released value.....	85
44870	Lead:	
44880	⊛Acetate. See item 60000 for class dependent upon released value:	
Sub 1	In bulk in boxes or drums	70
Sub 2	In containers in boxes or drums	85
44890	⊛Nitrate, in bags, boxes or drums. See item 60000 for class dependent upon released value.....	70

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10 – (Continued)		
PRESENT – CONTINUED		
CHEMICALS GROUP: subject to item 42600 – (Concluded)		
45030	Magnesium:	
45060	⊛ Fluosilicate (Magnesium Silicofluoride). See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums	65
Sub 2	In inner containers in boxes, crates or drums.....	77.5
45290	⊛ Methyl Chloroform or Trichloroethane:	
Sub 1	In inner containers in boxes.....	70
Sub 2	In bulk in drums	55
45310	⊛ Methylene Chloride (Dichloromethane), in boxes or drums, or in Package 200 ...	55
45490	⊛ Pentachlorethane. See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums	70
Sub 2	In inner containers in boxes or drums	85
45500	⊛ Pentachlorophenol, in bags, boxes, drums or in block form in Package 2273.....	70
46080	Sodium (Soda):	
46120	⊛ Arsenate. See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums	70
Sub 2	In inner containers in boxes or drums	77.5
46360	⊛ Hydrosulfide (Sodium Hydrosulfate or Sodium Sulfhydrate), in drums or in woven polypropylene bags complying with Item 200 and having a moisture barrier.....	55
46770	⊛ Sulfuryl Chloride. See item 60000 for class dependent upon released value:	
Sub 1	In glass carboys	100
Sub 2	In glass bottles in wooden boxes.....	100
Sub 3	In bulk in drums.....	70
46790	Tar Products:	
46860	⊛ Dinitrobenzene (Dinitrobenzol), in drums	70
46880	⊛ Dinitrophenol, in drums. See item 60000 for class dependent upon released value...	77.5
46950	⊛ Nitrobenzene (Nitrobenzol or Oil Mirbane):	
Sub 1	In bulk in drums	65
Sub 2	In inner containers in boxes or drums	70
46960	⊛ Nitroxylol (Nitroxylene), in drums	70
47000	⊛ Toluidine, in drums. See item 60000 for class dependent upon released value...	100
47010	⊛ Trichlorobenzene (Trichlorobenzol). See item 60000 for class dependent upon released value:	
Sub 1	In bulk in drums or steel cylinders	70
Sub 2	In inner containers in boxes or drums	77.5
Sub 3	In glass carboys.....	100
47020	⊛ Xylidine, in drums.....	70
47080	⊛ Tetrachloroethane (Acetylene Tetrachloride):	
Sub 1	In bulk in drums	65
Sub 2	In inner containers in boxes or drums	70
47180	⊛ Titanium Tetrachloride. See item 60000 for class dependent upon released value:	
Sub 1	In boxes, drums, or in steel shell cylinders in wooden boxes	100
Sub 2	In glass carboys.....	125
47200	⊛ Trichloroethylene. See item 60000 for class dependent upon released value:	
Sub 1	In Package 200.....	100
Sub 2	In boxes or drums; or in DOT Specification 1D carboys	55
47270	⊛ Xylol Bromide, in steel cylinders. See item 60000 for class dependent upon released value	150
47280	Zinc:	
47350	⊛ Fluosilicate, in drums	70

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10 – (Continued)		
PRESENT — CONTINUED		
	CLAY GROUP: subject to item 47990	
48020	Antimony Sulfide , concentrated ore (Needle Antimony), lump, in boxes or drums.....	60
48030	Antimony Sulfide , concentrated ore (Needle Antimony), pulverized or powdered (black sulfide, not purified), in boxes or drums. See item 60000 for class dependent upon agreed or released value.....	70
50260	⊛ Compounds , motor fuel antiknock, NOI, in steel cans in wooden boxes, or in steel cylinders or drums.....	100
50320	⊛ Compounds , tree or weed killing (Herbicides), NOI, or 2, 4-D (Dichlorophenoxyacetic Acid) or 2, 4-D Formulations , in containers in boxes, crates or drums, in bulk in bags or drums or in Packages 246 or 2395, subject to Item 170 and having a density in pounds per cubic foot of:	
Sub 1	Less than 20	175
Sub 2	20 or greater	60
57100	⊛ Deodorants , NOI, other than contained in or in the form of decorations, novelties or ornaments, see Note, item 57101, or Disinfectants , NOI; other than medicinal and other than toilet preparations. See item 60000 for class dependent upon agreed or released value:	
Sub 1-3	Not Involved.	
57101	NOTE—Not Involved.	
60280	Dyestuffs , NOI, in boxes or drums. See item 60000 for class dependent upon released value	100
64300	⊛ Explosives , consisting of ammunition, explosive or incendiary, or gas or smoke or tear producing; Explosives , NOI; Propellants , explosive; Blasting Agents; Fireworks; Flares , NOI; or Ammunition or Cartridges , small arms, blank or loaded; in containers as provided in Item 540:	
Sub 1	Class A or B, or Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64301.....	200
Sub 2	Other than Class A or B, and other than Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64302.....	85
64301	NOTE—Not Involved.	
64302	NOTE—Not Involved.	
80550	⊛ GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); OR LIQUIDS POISONOUS BY INHALATION:	
85670	⊛ Bromoacetone , in DOT Hazard Zone A or B, in glass in boxes; in steel cylinders; or in tubes in hermetically sealed metal cans in boxes, see Note, item 85671	200
85671	NOTE—Not Involved.	
85990	⊛ Hydrocyanic Acid Aqueous Solutions , containing not less than 5 percent but not more than 20 percent hydrogen cyanideic acid; or Hydrogen Cyanide ; in steel cylinders, in steel drums, or in containers in boxes	200
86045	⊛ Methyldichloroarsine , in steel cylinders, in steel drums, or in containers in boxes.....	200

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10 – (Continued)		
PRESENT — CONCLUDED		
102000	INSECTICIDES GROUP: Articles consist of Insecticides, Fungicides, Insect or Animal Repellents, or Vermin Exterminators, other than gases that are poisonous by inhalation, as described in items subject to this grouping, see Note, item 102002.	
102002	NOTE—Not Involved.	
102020	⊗ Calcium Arsenate or Calcium Arsinat e, see Note, item 102022, in bags or drums	77.5
102022	NOTE—Not Involved.	
102100	⊗ Insecticides or Fungicides, Insect or Animal Repellents, NOI, or Vermin Exterminators; or Dip , animal or poultry, NOI; poison, other than gases that are poisonous by inhalation, see Note, item 102101; in bags, boxes, cylinders, drums or pails	77.5
102140	⊗ Lead Arsenate ; dry, in bags, boxes or drums; or paste, in inner containers in boxes, drums or pails	77.5
102220	⊗ Paris Green or London Purple , in boxes, drums or pails.....	77.5
144790	OILS, OTHER THAN PETROLEUM , subject to item 144600 Compounds , organic (products of ammoniation of fatty acids), viz.: Acetates , fatty amine; Acetates , fatty diamine; Amides , fatty; Amines , fatty; Compounds , fatty quaternary, such as di-fatty dimethyl or fatty trimethyl compounds; Diamines , fatty; Nitriles , fatty; In bags, boxes or drums	65

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10		
PROPOSED		
2080	ACIDS: see Notes, items 2083 and 2084	
2083	NOTE—No Change.	
2084	NOTE—Materials regulated by the U.S. Department of Transportation as a ➤poisonous material or poisonous gas or that are required to bear an 'INHALATION HAZARD,' 'POISON,' 'POISON GAS' or 'STOW AWAY FROM FOODSTUFFS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85500, GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); ➤POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION.	
3070	⊛Arsenic, ➤fused, in boxes or drums	No Class Change
4040	⊛Carbolic (Phenol),	➤Cancel; see item A-NEW
4060	⊛Chlorosulfonic,	➤Cancel; see item A-NEW
4100	⊛Cresylic (Cresol),	➤Cancel; see item A-NEW
4160	⊛Hydrocyanic Acid Aqueous Solutions, etc.	➤Cancel; see item A-NEW
4180	⊛Hydrofluoric,	➤Cancel; see item A-NEW
4200	⊛Hydrofluoric and Sulfuric, mixed,	➤Cancel see item B-NEW
4360	⊛Nitric, ➤other than nitric acid required to bear a POISON label. See item 60000 for class dependent upon released value:	
Sub 1	➤In Package 200.....	No Class Change
Sub 2	In inner containers in boxes➤or crates; in drums or Package 1190	No Class Change
4540	⊛Sulfuric, or Oil of Vitriol. See item 60000 for class dependent upon released value:	
Sub 1	In inner containers in boxes or crates; ➤or in drums or Package 1190	70
Sub 2	➤In carboys or Package 200.....	No Class Change
	ALUMINUM: subject to item 13100	
13620	➤⊛Powder, ➤other than poison, in boxes or drums:	
REMAINDER OF ITEM — NO CHANGE		
42600	CHEMICALS GROUP: see Notes, items 42603 and 42604	
42603	NOTE— No Change.	
42604	NOTE—Materials regulated by the U.S. Department of Transportation as a ➤poisonous material or poisonous gas or that are required to bear an 'INHALATION HAZARD,' 'POISON,' 'POISON GAS' or 'STOW AWAY FROM FOODSTUFFS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85500, ⊛GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); ➤POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION.	
42610	⊛Acetaldehyde ➤See item 60000 for class dependent upon released value:	
Subs 1-3	No Change.	

ITEM NO.	DESCRIPTION	CLASS
----------	-------------	-------

SUBJECT 10 – (Continued)

PROPOSED — CONTINUED

Alcohols , other than alcoholic liquors: subject to item 42660		
42680	☛➔ Alcohol , methallyl, in bulk in drums or steel cylinders.....	60
42690	☛ Alcohol , amyl;	
	☛ Alcohol , butyl, including Butanol ;	
	☛ Alcohol , decyl, hexadecyl, hexyl, tridecyl, or undecyl, other than perfumery grade;	
	☛ Alcohol , denatured, see Note, item 42704, or Methanol (Methyl Alcohol) , liquid;	
	☛ Alcohol , denaturing, NOI, see Note, item 42692;	
	☛ Alcohol , isobutyl;	
	☛ Alcohol , isopropanol or propyl;	
	☛ Alcohol , octyl or isooctyl, other than perfumery grade;	
	☛ Alcohol , tetrahydrofurfuryl;	
	☛ Alcohol , anti-freeze, see Note, item 42694;	
	☛ Alcohol , propargyl; ➔Cancel, see item A-New	
	☛ Distillates , synthetic alcohol, see Note, item 42696;	
	☛ Fluid , spirit duplication machine, see Note, item 42703;	
	☛ Oil , fusel;	
	☛ Solvent , denatured alcohol, see Note, item 42698;	
	☛ Solvent , isopropyl alcohol, see Note, item 42699;	
	☛ Solvent , methanol, NOI, see Note, item 42702; See item 60000 for class dependent upon released value:	
Subs 1-3	No Change.	
42692	NOTE—No Change.	
42694	NOTE—No Change.	
42696	NOTE—No Change.	
42698	NOTE—No Change.	
42699	NOTE—No Change.	
42702	NOTE—No Change.	
42703	NOTE—No Change.	
42704	NOTE—No Change.	
42930	Ammonium :	
43010	☛ Fluoride	➔Cancel; see item A-NEW
43280	☛ Arsenic , crude or white (Arsenic Trioxide)	➔Cancel; see item B-NEW
43300	Barium :	
43340	☛ Chlorate	➔Cancel; see item A-NEW
43390	☛ Nitrate	➔Cancel; see item B-NEW
43400	☛ Oxide	➔Cancel; see item B-NEW
43410	☛ Peroxide	➔Cancel; see item A-NEW
43540	☛ Bromobenzyl Cyanide	➔Cancel; see item A-NEW
43550	☛ Bromine	➔Cancel; see item A-NEW
43890	☛ Carbon Tetrachloride	➔Cancel; see item A-NEW
43960	☛ Chloroform , NOI	➔Cancel; see

item A-NEW

ITEM NO.	DESCRIPTION	CLASS
----------	-------------	-------

SUBJECT 10 – (Continued)

PROPOSED – CONTINUED

CHEMICALS GROUP: subject to item 42600 – (Continued)

43980	☛Chloropicrin or Chloropicrin Insecticides	☛Cancel; see item B-NEW
43982	NOTE—☛Cancel; no further application.	
44170	☛Crotonaldehyde	☛Cancel; see item A-NEW
44200	Cyanohydrin, acetone or ethylene	☛Cancel; see item B-NEW
44210	☛Cyanides, crude, NOI (Crude Cyanogen Salts, NOI)	☛Cancel; see item B-NEW
44212	NOTE—☛Cancel; no further application.	
44300	☛Diethyl Sulfate	☛Cancel; see item B-NEW
44340	☛Dimethylsulfate	☛Cancel; see item A-NEW
44360	☛Diphenylaminechloroarsine or Diphenylchloroarsine.....	☛Cancel; see item A-NEW
44410	☛Epichlorohydrin or Glycerol Dichlorohydrin	☛Cancel; see item B-NEW
44490	☛Ethylene Chlorohydrin	☛Cancel; see item B-NEW
44493	Ethylene Dibromide	☛Cancel; see item B-NEW
44495	☛Ethylene Dichloride	☛Cancel; see item A-NEW
44850	☛Isobutyl Aldehyde.....	☛Cancel; see item A-New
44870	Lead:	
44880	☛Acetate	☛Cancel; see item A-NEW
44890	☛Nitrate.....	☛Cancel; see item A-NEW
45030	Magnesium:	
45060	☛Fluosilicate (Magnesium Silicofluoride)	☛Cancel; see item A-NEW
45290	☛Methyl Chloroform or Trichloroethane	☛Cancel; see item B-NEW
45310	☛Methylene Chloride (Dichloromethane)	☛Cancel; see item B-NEW
45490	☛Pentachlorethane.....	☛Cancel; see item A-NEW
45500	☛Pentachlorophenol.....	☛Cancel; see item B-NEW
46080	Sodium (Soda):	
46120	☛Arsenate	☛Cancel; see item A-NEW
46360	☛Hydrosulfide (Sodium Hydrosulfate or Sodium Sulfydrate), ☛other than poison, in drums or in woven polypropylene bags complying with Item 200 and having a moisture barrierNo Class Change	
46770	☛Sulfuryl Chloride	☛Cancel; see item A-NEW

ITEM NO.	DESCRIPTION	CLASS
----------	-------------	-------

SUBJECT 10 – (Continued)

PROPOSED – CONTINUED

CHEMICALS GROUP: subject to item 42600– (Concluded)

46790	Tar Products:	
46860	☼Dinitrobenzene (Dinitrobenzol)	➡Cancel; see item B-NEW
46880	☼Dinitrophenol	➡Cancel; see item A-NEW
46950	☼Nitrobenzene (Nitrobenzol or Oil Mirbane)	➡Cancel; see item B-NEW
46960	☼Nitroxylol (Nitroxylene).....	➡Cancel; see item B-NEW
47000	☼Toluidine	➡Cancel; see item A-NEW
47010	☼Trichlorobenzene (Trichlorobenzol)	➡Cancel; see item A-NEW
47020	☼Xylidine	➡Cancel; see item B-NEW
47080	☼Tetrachloroethane (Acetylene Tetrachloride)	➡Cancel; see item B-NEW
47180	☼Titanium Tetrachloride.....	➡Cancel; see item A-NEW
47200	☼Trichloroethylene	➡Cancel; see item A-NEW
47270	☼Xylol Bromide.....	➡Cancel; see item A-NEW
47280	Zinc:	
47350	☼Fluosilicate	➡Cancel; see item B-NEW

CLAY GROUP: subject to item 47990

48020	Antimony Sulfide , concentrated ore (Needle Antimony), lump	➡Cancel; see item B-NEW
48030	Antimony Sulfide , concentrated ore (Needle Antimony), pulverized or powdered (black sulfide, not purified)	➡Cancel; see item A-NEW
50260	☼ Compounds , motor fuel antiknock, ➡other than poison, NOI, in steel cans in wooden boxes, or in steel cylinders or drums	No Class Change
50320	☼ Compounds , tree or weed killing (Herbicides), ➡other than poison, NOI, in containers, etc.,	

REMAINDER OF ITEM – NO CHANGE

57100	☼ Deodorants , NOI, other than contained in or in the form of decorations, novelties or ornaments, see Note, item 57101, or Disinfectants , NOI; other than ➡poison, medicinal and toilet preparations. See item 60000 for class dependent upon agreed or released value:	
Subs 1-3 No Change.		
57101	NOTE—No Change.	
60280	Dyestuffs , NOI, ➡other than poison, in boxes or drums. See item 60000 for class dependent upon released value	100

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10 – (Continued)		
PROPOSED – CONTINUED		
64300	⊛ Explosives , consisting of ammunition, explosive or incendiary, or gas or smoke or tear producing; Explosives , NOI; Propellants , explosive; Blasting Agents ; Fireworks ; Flares , NOI; or Ammunition or Cartridges , small arms, blank or loaded; in containers as provided in Item 540:	
Sub 1	➡Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64301.....	No Class Change
Sub 2	➡Other than Hazard Class 1, Division 1.1, 1.2 or 1.3, see Note, item 64302.....	No Class Change
64301	NOTE—No Change.	
64302	NOTE—No Change.	
80550	⊛ GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); ➡POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION:	
85670	⊛ Bromoacetone , in DOT Hazard Zone A or B, in glass in boxes; in steel cylinders; or in tubes in hermetically sealed metal cans in boxes, see Note, item 85671	➡Cancel; see item B-NEW
85671	NOTE—➡Cancel; no further application.	
85990	⊛ Hydrocyanic Acid Aqueous Solutions , containing not less than 5 percent but not more than 20 percent hydrogen cyanideic acid; or Hydrogen Cyanide ; in steel cylinders, in steel drums, or in containers in boxes.....	➡Cancel; see item B-NEW
86045	⊛ Methyldichloroarsine , in steel cylinders, in steel drums, or in containers in boxes.....	➡Cancel; see item B-NEW
A-NEW	⊛ Poisonous Materials , including liquids poisonous by inhalation, NOI, see Note, item C-NEW, in metal cylinders, in drums, in containers in boxes or crates or in Packages 200, 246, 1190 or 2395. See item 60000 for class dependent upon released value:	
Sub 1	In Hazard Class 3, 4.1, 4.2, 4.3, 5.1, 6.1 or 8, Packing Group I, Hazard Zone A.....	300
Sub 2	In Hazard Class 3, 4.1, 4.2, 4.3, 5.1 or 8, other than Packing Group I, Hazard Zone A.....	250
Sub 3	In Hazard Class 6.1, other than Packing Group I, Hazard Zone A	200

ITEM NO.DESCRIPTIONCLASS

SUBJECT 10 – (Continued)

PROPOSED – CONTINUED

⊗GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); ➤POISONOUS GASES;
OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS
POISONOUS BY INHALATION: subject to item 85500 (Concluded)

B-NEW

⊗Poisonous Materials, including liquids poisonous by inhalation,
see Note, item C-NEW, in metal cylinders, in drums, in containers
in boxes or crates or in Packages 200, 246, 1190 or 2395, viz.:

Acetone Cyanohydrin;	Diethyl Sulfate;
Antimony Sulfide, other	Dinitrobenzenes;
than pulverized	Dip, animal or poultry;
or powdered;	Epichlorohydrin;
Arsenic;	Ethylene Chlorohydrin;
Arsenic Acid;	Ethylene Cyanohydrin;
Arsenic Pentoxide;	Ethylene Dibromide;
Arsenic Trioxide;	Fungicides, Herbicides,
Barium Nitrate;	Insecticides or Rodenticides, NOI;
Barium Oxide;	Insect or Animal Repellents or
Bromoacetone;	Vermin Exterminators, NOI;
Calcium Arsenate;	Hydrocyanic Acid Aqueous Solutions;
Calcium Arsenate and	Hydrofluoric and Sulfuric Acid, mixed;
Calcium Arsenite	Hydrogen Cyanide;
Mixtures, solid;	Lead Arsenate;
Calcium Arsenite;	London Purple;
Chloropicrin or	Methyldichloroarsine;
Chloropicrin	Motor Fuel Antiknock Mixtures;
Insecticides;	Nitriles;
Copper Acetoarsenite;	Nitrobenzene;
Cyanide Solutions;	Nitroxyls (o-;m-;p-);
Cyanides, inorganic,	Pentachlorophenol;
solid;	Sodium Hydrosulfide Solutions;
Dichloromethane;	Tetrachloroethane;
Dichlorophenoxyacetic	Trichloroethane;
Acid (2,4-D);	Xylidine;
1,3-Dichloropropanol-2;	Zinc Fluorosilicate;

Sub 1 In Hazard Class 3, 4.1, 4.2, 4.3, 5.1, 6.1 or 8, Packing Group I,
Hazard Zone A 300

Sub 2 In Hazard Class 3, 4.1, 4.2, 4.3, 5.1 or 8, other than Packing Group I,
Hazard Zone A 250

Sub 3 In Hazard Class 6.1, other than Packing Group I, Hazard Zone A 200

C-NEW

Applies on materials meeting the U.S. DOT regulations' definition of poisonous
materials, including liquids poisonous by inhalation, and required to bear a warning
label to that effect on bills of lading and packages.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>CLASS</u>
SUBJECT 10 – (Concluded)		
PROPOSED – CONCLUDED		
102000	INSECTICIDES GROUP: Articles consist of Insecticides, Fungicides, Insect or Animal Repellents, or Vermin Exterminators, other than gases that are poisonous by inhalation, as described in items subject to this grouping, see Notes, items 102002 and ➡D-NEW.	
102002	NOTE—No Change.	
D-NEW	NOTE—Materials regulated by the U.S. Department of Transportation as a poisonous material or poisonous gas or that are required to bear an 'INHALATION HAZARD,' 'POISON,' 'POISON GAS' or 'STOW AWAY FROM FOODSTUFFS' label under such regulations are not subject to the provisions of this grouping. Such materials are subject to the provisions of item 85500, GASES; CRYOGENIC LIQUIDS (REFRIGERATED LIQUIDS); POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION.	
102020	⊛Calcium Arsenate or Calcium Arsinatate, ➡Cancel; see item B-NEW	
102022	NOTE—➡Cancel; no further application.	
102100	⊛Insecticides or Fungicides, Insect or Animal Repellents, NOI, or Vermin Exterminators; or Dip, animal or poultry, NOI; poison, other than gases that are poisonous by inhalation, ➡Cancel; see item B-NEW	
102140	⊛Lead Arsenate, etc. ➡Cancel; see item B-NEW	
102220	⊛Paris Green or London Purple, etc. ➡Cancel; see item B-NEW	
	OILS, OTHER THAN PETROLEUM: subject to item 144600	
144790	Compounds , organic (products of ammoniation of fatty acids), viz.: Acetates , fatty amine; Acetates , fatty diamine; Amides , fatty; Amines , fatty; Compounds , fatty quaternary, such as di-fatty dimethyl or fatty trimethyl compounds; Diamines , fatty; Nitriles , fatty, ➡other than poison; In bags, boxes or drumsNo Class Change	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Acetone cyanohydrin, stabilized	44200	6.1 I		70	200	
Acridine	43940	6.1 III		85/100	200 Y	
Acrylamide	43940	6.1 III		85/100	200 Y	
Acrolein, inhibited	43940	6.1 I		85/100	300 Y	
Acrylonitrile, inhibited	43940	3 I		85/100	250 Y	
Adiponitrile	43940	6.1 III		85/100	200 Y	
Aircraft hydraulic power unit fuel tank (containing a mixture of anhydrous hydrazine and monomethyl hydrazine) (M86 fuel)	155250	3 I		65/85	250	
Alcohols, toxic, n.o.s.	42670	3 I		100/125	250 Y	
Alcohols, toxic, n.o.s.	42670	3 II		100/125	250 Y	
Alcohols, toxic, n.o.s.	42670	3 III		100/125	250 Y	
Aldehydes, toxic, n.o.s.	44850	3 I		60/70/85	250 Y	
Aldehydes, toxic, n.o.s.	44850	3 II		60/70/85	250 Y	
Aldehydes, toxic, n.o.s.	44850	3 III		60/70/85	250 Y	
Aldol	42610	6.1 II		70/77.5/100	200 Y	
Aldrin, liquid	43940	6.1 II		85/100	200 Y	
Aldrin, solid	43940	6.1 II		85/100	200 Y	
Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	43940	6.1 I		85/100	200 Y	
Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	43940	6.1 II		85/100	200 Y	
Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	43940	6.1 III		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Alkaloids, solid, n.o.s., or Alkaloid salts, solid, n.o.s., poisonous	43940	6.1 I		85/100	200 Y	
Alkaloids, solid, n.o.s., or Alkaloid salts, solid, n.o.s., poisonous	43940	6.1 II		85/100	200 Y	
Alkaloids, solid, n.o.s., or Alkaloid salts, solid, n.o.s., poisonous	43940	6.1 III		85/100	200 Y	
Allyl acetate	43940	3 II		85/100	250 Y	
Allyl alcohol	42680	6.1 I		60	200	
Allyl bromide	43940	3 I		85/100	250 Y	
Allyl chloroformate	43940	6.1 I		85/100	200 Y	
Allyl ethyl ether	43940	3 II		85/100	250 Y	
Allyl formate	43940	3 I		85/100	250 Y	
Allyl isothiocyanate, stabilized	43940	6.1 II		85/100	200 Y	
Allylamine	43940	6.1 I		85/100	200 Y	
Aluminum ferrosilicon powder	13620	4.3 II		60/85	250	
Aluminum ferrosilicon powder	13620	4.3 III		60/85	250	
Aluminum phosphide	43940	4.3 I		85/100	250 Y	
Aluminum phosphide pesticides	102100	6.1 I		77.5	200	
2-Amino-4-chlorophenol	43940	6.1 II		85/100	200 Y	
2-Amino-5-diethylaminopentane	43940	6.1 III		85/100	200 Y	
Aminophenols (o-,m-,p-)	43940	6.1 III		85/100	200 Y	
Aminopyridines (o-,m-,p-)	43940	6.1 II		85/100	200 Y	
Ammonium arsenate	43940	6.1 II		85/100	200 Y	
Ammonium dinitro-o-cresolate	43940	6.1 II		85/100	200 Y	
Ammonium fluoride	43010	6.1 III		70/85	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Ammonium fluorosilicate	43940	6.1 III		85/100	200 Y	
Ammonium hydrodifluoride, solution	43940	8 II		85/100	250 Y	
Ammonium hydrodifluoride, solution	43940	8 III		85/100	250 Y	
Ammonium metavanadate	43940	6.1 II		85/100	200 Y	
Ammonium polysulfide, solution	43940	8 II		85/100	250 Y	
Ammonium polysulfide, solution	43940	8 III		85/100	250 Y	
Ammonium polyvanadate	43940	6.1 II		85/100	200 Y	
Ammonium sulfide solution	43940	8 II		85/100	250 Y	
Ammunition, tear-producing, nonexplosive, without burster or expelling charge, nonfused	64300	6.1 II		85	85	
Ammunition, tear-producing with burster, expelling charge or propelling charge	64300 1.2G	II		200	200	
Ammunition, tear-producing with burster, expelling charge or propelling charge	64300 1.3G	II		200	200	
Ammunition, tear-producing with burster, expelling charge or propelling charge	64300 1.4G	II		85	85	
Ammunition, toxic, nonexplosive, without burster or expelling charge, nonfused	64300	6.1 II		85	85	
Ammunition, toxic with burster, expelling charge, or propelling charge	64300 1.2K	II		200	200	
Ammunition, toxic with burster, expelling charge, or propelling charge	64300 1.3K	II		200	200	
Aniline	43940	6.1 II		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Aniline hydrochloride	43940	6.1 III		85/100	200 Y	
Anisidines	43940	6.1 III		85/100	200 Y	
Antimony compounds, inorganic, liquid, n.o.s.	48020	6.1 III		60/77.5/85/125	200 Y	
Antimony compounds, inorganic, solid, n.o.s.	48020	6.1 III		60/77.5/85/125	200 Y	
Antimony lactate	43940	6.1 III		85/100	200 Y	
Antimony pentafluoride	43940	8 II		85/100	250 Y	
Antimony potassium tartrate	43940	6.1 III		85/100	200 Y	
Antimony powder	48030	6.1 III		70	200 Y	
Arsenic	43280	6.1 II		70	200	
Arsenic acid, liquid	3070	6.1 I		70	200 Y	
Arsenic acid, solid	3070	6.1 II		70	200 Y	
Arsenic bromide	43940	6.1 II		85/100	200 Y	
Arsenic compounds, liquid, n.o.s., including arsenates n.o.s.; arsenites, n.o.s.; and organic compounds of arsenic, n.o.s.	102100	6.1 I		77.5/85/100	200 Y	
Arsenic compounds, liquid, n.o.s., including arsenates n.o.s.; arsenites, n.o.s.; and organic compounds of arsenic, n.o.s.	102100	6.1 II		77.5/85/100	200 Y	
Arsenic compounds, liquid, n.o.s., including arsenates n.o.s.; arsenites, n.o.s.; and organic compounds of arsenic, n.o.s.	102100	6.1 III		77.5/85/100	200 Y	
Arsenic pentoxide	43940	6.1 II		85/100	200 Y	
Arsenic sulfide	43940	6.1 II		85/100	200 Y	
Arsenic trichloride	43940	6.1 I		85/100	200 Y	
Arsenic trioxide	43280	6.1 II		70	200	
Arsenic trisulfide	43940	6.1 II		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Arsenical dust	43940	6.1 II		85/100	200 Y	
Arsenical pesticides ¹ liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 I		77.5	250	
Arsenical pesticides ¹ liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 II		77.5	250	
Arsenical pesticides ¹ liquid, toxic	102100	6.1 I		77.5	200	
Arsenical pesticides ¹ liquid, toxic	102100	6.1 II		77.5	200	
Arsenical pesticides ¹ liquid, toxic	102100	6.1 III		77.5	200	
Arsenical pesticides ¹ liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 I		77.5	200	
Arsenical pesticides ¹ liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 II		77.5	200	
Arsenical pesticides ¹ liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 III		77.5	200	
Arsenical pesticides ¹ solid, toxic	102100	6.1 I		77.5	200	
Arsenical pesticides ¹ solid, toxic	102100	6.1 II		77.5	200	
Arsenical pesticides ¹ solid, toxic	102100	6.1 III		77.5	200	
Barium azide, dry or wetted with less than 50 percent water, by mass	64300 1.1 A	II		200	200	
Barium azide, wetted with not less than 50 percent water, by mass	43940	4.1 I		85/100	250 Y	
Barium bromate	43940	5.1 II		85/100	250 Y	
Barium chlorate	43340	5.1 III		85/100	250 Y	
Barium compounds, nos	149980	6.1 II		60/70/77.5/85/100	200 Y	
Barium compounds, nos	149980	6.1 III		60/70/77.5/85/100	200 Y	
Barium cyanide	43940	6.1 I		85/100	200 Y	
Barium hypochlorite ² with more than 22 percent available chlorine	43940	5.1 II		85/100	250 Y	

Hazardous Materials Description and Proper Shipping Name	Class	Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Barium nitrate		43390	5.1 II		70	250	
Barium oxide		43390	6.1 III		70	200	
Barium perchlorate		43940	5.1 II		85/100	250 Y	
Barium permanganate		43940	5.1 II		85/100	250 Y	
Barium peroxide		43940	5.1 II		85/100	250 Y	
Benzidine		43410	6.1 II		85/100	200 Y	
Benzoic derivative pesticides, liquid, flammable, toxic, flash point less than 23 degrees C		102100	3 I		77.5	250	
Benzoic derivative pesticides, liquid, toxic		102100	6.1 I		77.5	200	
Benzoic derivative pesticides, liquid, toxic		102100	6.1 II		77.5	200	
Benzoic derivative pesticides, liquid, toxic		102100	6.1 III		77.5	200	
Benzoic derivative pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C		102100	6.1 I		77.5	200	
Benzoic derivative pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C		102100	6.1 II		77.5	200	
Benzoic derivative pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C		102100	6.1 III		77.5	200	
Benzoic derivative pesticides, solid, toxic		102100	6.1 I		77.5	200	
Benzoic derivative pesticides, solid, toxic		102100	6.1 II		77.5	200	
Benzoic derivative pesticides, solid, toxic		102100	6.1 III		77.5	200	
Benzonitrile		43940	6.1 II		77.5	200	
Benzoquinone		43940	6.1 II		85/100	200 Y	
Benzyl bromide		43940	6.1 II		85/100	200 Y	
Benzyl chloride		43940	6.1 II		85/100	200 Y	
Benzyl chloride, unstabilized		43940	6.1 II		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class	Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Benzyl iodide		43940	6.1 II		85/100	200 Y	
Benzylidene chloride		43940	6.1 II		85/100	200 Y	
Beryllium compounds, nos		43940	6.1 II		85/100	200 Y	
Beryllium compounds, nos		43940	6.1 III		85/100	200 Y	
Beryllium nitrate		43940	5.1 II		85/100	250 Y	
Beryllium powder		43940	6.1 II		85/100	200 Y	
Bipyridilium pesticides, liquid, flammable, toxic, flash point less than 23 degrees C		102100	3 I		77.5	250	
Bipyridilium pesticides, liquid, flammable, toxic, flash point less than 23 degrees C		102100	3 II		77.5	250	
Bipyridilium pesticides, liquid, toxic		102100	6.1 I		77.5	200	
Bipyridilium pesticides, liquid, toxic		102100	6.1 II		77.5	200	
Bipyridilium pesticides, liquid, toxic		102100	6.1 III		77.5	200	
Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C		102100	6.1 I		77.5	200	
Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C		102100	6.1 II		77.5	200	
Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C		102100	6.1 III		77.5	200	
Bipyridilium pesticides, solid, toxic		102100	6.1 I		77.5	200	
Bipyridilium pesticides, solid, toxic		102100	6.1 II		77.5	200	
Bipyridilium pesticides, solid, toxic		102100	6.1 III		77.5	200	
Boron tribromide		43940	8 I		85/100	250 Y	
Bromine or Bromine solutions		43550	8 I		77.5	300 Y	
Bromine pentafluoride		43940	5.1 I		85/100	300 Y	
Bromine trifluoride		43940	6.1 I		85/100	200 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class. Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
2-Bromo-2-nitropropane-1,3-diol	43940	6.1 III		85/100	200 Y	
Bromoacetone	85670	6.1 II		200	200	
Bromobenzyl cyanides, liquid	43540	6.1 I		150	200 Y	
Bromobenzyl cyanides, solid	43540	6.1 I		150	200 Y	
Bromochloromethane	43940	6.1 III		85/100	200 Y	
Bromoform	43940	6.1 III		85/100	200 Y	
Brucine	43940	6.1 I		85/100	200 Y	
sec-Butyl chloroformate	43940	6.1 I		85/100	200 Y	
n-Butyl chloroformate	43940	6.1 I		85/100	200 Y	
N-n-Butyl imidazole	43940	6.1 II		85/100	200 Y	
tert-Butyl isocyanate	43940	6.1 I		85/100	300 Y	
n-Butyl isocyanate	43940	6.1 I		85/100	200 Y	
N-Butylaniline	43940	6.1 II		85/100	200 Y	
tert-Butylcyclohexylchloroformate	43940	6.1 III		85/100	200 Y	
Butylketenes	43940	6.1 III		85/100	200 Y	
1,4-Butynediol	43940	6.1 III		85/100	200 Y	
Cacodylic acid	43940	6.1 II		85/100	200 Y	
Cadmium compounds	43940	6.1 I		85/100	200 Y	
Cadmium compounds	43940	6.1 II		85/100	200 Y	
Cadmium compounds	43940	6.1 III		85/100	200 Y	
Calcium arsenate	102020	6.1 II		77.5	200	
Calcium arsenate and calcium arsenite, mixtures, solid	102020	6.1 II		77.5	200	
Calcium arsenite, solid	102020	6.1 II		77.5	200	
Calcium cyanide	43940	6.1 I		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Carbamate pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Carbamate pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Carbamate pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Carbamate pesticides, solid, toxic	102100	6.1 I		77.5	200	
Carbamate pesticides, solid, toxic	102100	6.1 II		77.5	200	
Carbamate pesticides, solid, toxic	102100	6.1 III		77.5	200	
Carbon tetrabromide	43940	6.1 III		85/100	200 Y	
Carbon tetrachloride	43890	6.1 II		85/100	200 Y	
Chloral anhydrous, inhibited	43940	6.1 II		85/100	200 Y	
Chlorine dioxide, hydrate, frozen	43940	5.1 II		85/100	250 Y	
1-Chloro-3-bromopropane	43940	6.1 III		85/100	200 Y	
3-Chloro-4-methylphenyl isocyanate	43940	6.1 II		85/100	200 Y	
4-Chloro-o-toluidine hydrochloride	43940	6.1 III		85/100	200 Y	
Chloroacetic acid, molten	3070	6.1 II		70/100	200 Y	
Chloroacetic acid, solid	3070	6.1 II		70/100	200 Y	
Chloroacetic acid, solution	3070	6.1 II		70/100	200 Y	
Chloroacetone, stabilized	43940	6.1 II		85/100	200 Y	
Chloroacetonitrile	43940	6.1 II		85/100	200 Y	
Chloroacetophenone (CN), liquid	43940	6.1 II		85/100	200 Y	
Chloroacetophenone (CN), solid	43940	6.1 II		85/100	200 Y	
Chloroacetyl chloride	43940	6.1 I		85/100	200 Y	
Chloroanilines, liquid	43940	6.1 II		85/100	200 Y	
Chloroanilines, solid	43940	6.1 II		85/100	200 Y	
Chloroanisidines	43940	6.1 III		85/100	200 Y	
Chlorobenzyl chlorides	43940	6.1 III		85/100	200 Y	
Chlorocresols, liquid	43940	6.1 II		85/100	200 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class, Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Chlorocresols, solid	43940	6.1 II		85/100	200 Y	
Chlorodinitrobenzenes	43940	6.1 II		85/100	200 Y	
2-Chloroethanal	43940	6.1 I		85/100	200 Y	
Chloroform	43960	6.1 III		55/70/85/100	200 Y	
Chloroformates, toxic, corrosive, flammable, n.o.s.	43940	6.1 II		85/100	200 Y	
Chloroformates, toxic, corrosive, n.o.s.	43940	6.1 II		85/100	200 Y	
Chloromethyl chloroformate	43940	6.1 II		85/100	200 Y	
Chloromethyl ethyl ether	43940	3 II		85/100	250 Y	
Chloronitroanilines	43940	6.1 III		85/100	200 Y	
Chloronitrobenzene, ortho, liquid	43940	6.1 II		85/100	200 Y	
Chloronitrobenzenes meta or para, solid	43940	6.1 II		85/100	200 Y	
Chloronitrotoluenes, liquid	43940	6.1 III		85/100	200 Y	
Chloronitrotoluenes, solid	43940	6.1 III		85/100	200 Y	
Chlorophenols, liquid	43940	6.1 III		85/100	200 Y	
Chlorophenols, solid	43940	6.1 II		85/100	200 Y	
Chloropicrin	43980	6.1 I		77.5	200	
Chloropicrin mixtures, n.o.s.	43980	6.1 I		77.5	200	
Chloropicrin mixtures, n.o.s.	43980	6.1 II		85/100	200 Y	
Chloropicrin mixtures, n.o.s.	43980	6.1 III		85/100	200 Y	
Chloropivaloyl chloride	43940	6.1 I		85/100	200 Y	
Chloroprene, inhibited	43940	3 I		85/100	250 Y	
3-Chloropropanol-1	43940	6.1 III		85/100	200 Y	
2-Chloropyridine	43940	6.1 II		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Chlorosulfonic acid (with or without sulfur trioxide)	4060	8 I		60/100	250 Y	
Compounds, tree killing, liquid or						
Compounds, weed killing, liquid	50320	6.1 I		60/175	200	
Compounds, tree killing, liquid or						
Compounds, weed killing, liquid	50320	6.1 II		60/175	200	
Compounds, tree killing, liquid or						
Compounds, weed killing, liquid	50320	6.1 III		60/175	200	
Copper acetoarsenite	43940	6.1 II		85/100	200 Y	
Copper arsenite	43940	6.1 II		85/100	200 Y	
Copper based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 I		77.5	250	
Copper based pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Copper based pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Copper based pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Copper based pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C	102100	6.1 I		77.5	200	
Copper based pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C	102100	6.1 II		77.5	200	
Copper based pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C	102100	6.1 III		77.5	200	
Copper based pesticides, solid, toxic	102100	6.1 I		77.5	200	
Copper based pesticides, solid, toxic	102100	6.1 II		77.5	200	
Copper based pesticides, solid, toxic	102100	6.1 III		77.5	200	
Copper cyanide	43940	6.1 II		85/100	200 Y	
Corrosive liquids, toxic, n.o.s.	43940	8 I		85/100	250 Y	
Corrosive liquids, toxic, n.o.s.	43940	8 II		85/100	250 Y	
Corrosive liquids, toxic, n.o.s.	43940	8 III		85/100	250 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Corrosive solids, toxic, n.o.s.	43940	8 I		85/100	250 Y	
Corrosive solids, toxic, n.o.s.	43940	8 II		85/100	250 Y	
Corrosive solids, toxic, n.o.s.						
Corrosive solids, toxic, n.o.s.	43940	8 III		85/100	250 Y	
Coumarin derivative pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102100	3 I		77.5	250	
Coumarin derivative pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102100	3 II		77.5	250	
Coumarin derivative pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Coumarin derivative pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Coumarin derivative pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Coumarin derivative pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 I		77.5	200	
Coumarin derivative pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 II		77.5	200	
Coumarin derivative pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 III		77.5	200	
Coumarin derivative pesticides, solid, toxic	102100	6.1 I		77.5	200	
Coumarin derivative pesticides, solid, toxic	102100	6.1 II		77.5	200	
Coumarin derivative pesticides, solid, toxic	102100	6.1 III		77.5	200	
Cresols	4100	6.1 II		70/77.5/100	200 Y	
Cresylic acid	4100	6.1 II		70/77.5/100	200 Y	
Crotonaldehyde, stabilized	44170	6.1 I		70/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class	Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Cupriethylenediamine solution		43940	8 II		85/100	250 Y	
Cupriethylenediamine solution		43940	8 III		85/100	250 Y	
Cyanide solutions, n.o.s.		44210	6.1 I		65	200	
Cyanide solutions, n.o.s.		44210	6.1 II		65	200	
Cyanide solutions, n.o.s.		44210	6.1 III		65	200	
Cyanides, inorganic, solid, n.o.s.		44210	6.1 I		65	200	
Cyanides, inorganic, solid, n.o.s.		44210	6.1 II		65	200	
Cyanides, inorganic, solid, n.o.s.		44210	6.1 III		65	200	
Cyanogen bromide		43940	6.1 I		85/100	200 Y	
Cyclobutyl chloroformate		43940	6.1 II		85/100	200 Y	
1,5,9-Cyclododecatriene		43940	6.1 III		85/100	200 Y	
Cycloheptatriene		43940	3 II		85/100	250 Y	
Cyclohexyl isocyanate		43940	6.1 II		85/100	200 Y	
Decaborane		43940	4.1 II		85/100	250 Y	
Denatured alcohol (Specially denatured)		42670	3 I		100/125	250 Y	
Denatured alcohol		42690	3 II		60/65/100	250 Y	
Denatured alcohol		42690	3 III		60/65/100	250 Y	
Di-n-amine		43940	3 III		85/100	250 Y	
Diallylamine		43940	3 II		85/100	250 Y	
Diallylether		43940	3 II		85/100	250 Y	
4,4'-Diaminodiphenyl methane		43940	6.1 III		85/100	200 Y	
1,2-Dibromobutan-3-one		43940	6.1 II		85/100	200 Y	
Dibromochloropropane		43940	6.1 III		85/100	200 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class, Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Dibromomethane	43940	6.1 III		85/100	200 Y	
Dibutylaminoethanol	43940	6.1 III		85/100	200 Y	
1,1-Dichloro-1-nitroethane	43940	6.1 II		85/100	200 Y	
3,5-Dichloro-2,4,6-trifluoropyridine	43940	6.1 I		85/100	200 Y	
1,3-Dichloroacetone	43940	6.1 II		85/100	200 Y	
Dichloroanilines, liquid	43940	6.1 II		85/100	200 Y	
Dichloroanilines, solid	43940	6.1 II		85/100	200 Y	
o-Dichlorobenzene	43940	6.1 III		85/100	200 Y	
2,2'-Dichlorodiethyl ether	43940	6.1 II		85/100	200 Y	
Dichlorodimethyl ether, symmetrical	43940	6.1 I		85/100	200 Y	
Dichloroisopropyl ether	43940	6.1 II		85/100	200 Y	
Dichloromethane	45310	6.1 III		55	200	
Dichlorophenyl isocyanates	43940	6.1 II		85/100	200 Y	
1,3-Dichloropropanol-2	43940	6.1 II		85/100	200 Y	
Dieldrin	43940	6.1 II		85/100	200 Y	
Diethyl sulfate	44300	6.1 II		70	200	
N,N-Diethylaniline	43940	6.1 III		85/100	200 Y	
Diketene, inhibited	43940	6.1 I		85/100	200 Y	
Dimethyl sulfate	44340	6.1 I		70/150	200 Y	
Dimethyl thiophosphoryl chloride	43940	6.1 II		85/100	200 Y	
2-Dimethylaminoacetonitrile	43940	3 II		85/100	250 Y	
Dimethylaminoethyl methacrylate	43940	6.1 II		85/100	200 Y	
N,N-Dimethylaniline	43940	6.1 II		85/100	200 Y	
Dimethylhydrazine, symmetrical	43940	6.1 I		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Dimethylhydrazine, unsymmetrical	43940	6.1 I		85/100	200 Y	
Dinitro-cresol, solid	43940	6.1 II		85/100	200 Y	
Dinitro-cresol, solution	43940	6.1 II		85/100	200 Y	
Dinitroanilines	43940	6.1 II		85/100	200 Y	
Dinitrobenzenes, liquid	46860	6.1 II		70/100	200	
Dinitrobenzenes, solid	46860	6.1 II		70/100	200	
Dinitrophenol, dry or wetted with less than 15 percent water by mass	64300 I, II	II		200	200	
Dinitrophenol solutions	46880	6.1 II		77.5	200 Y	
Dinitrophenol solutions	46880	6.1 III		77.5	200 Y	
Dinitrophenol, wetted with not less than 15 percent water, by mass	46880	4.1 I		77.5	250 Y	
Dinitrophenolates alkali metals, dry or wetted with less than 15 percent water, by mass	64300 I, 3C	II		200	200	
Dinitrophenolates wetted with not less than 15 percent water, by mass	64300	4.1 I		85	85	
Dinitrotoluenes, liquid	43940	6.1 II		85/100	200 Y	
Dinitrotoluenes, molten	43940	6.1 II		85/100	200 Y	
Dinitrotoluenes, solid	43940	6.1 II		85/100	200 Y	
Diphenylamine chlorarsine	44360	6.1 I		200	200 Y	
Diphenylchlorarsine, liquid	44360	6.1 I		200	200 Y	
Diphenylchlorarsine, solid	44360	6.1 I		200	200 Y	
Diphenylmethane-4,4'diisocyanate	43940	6.1 III		85/100	200 Y	
Disinfectants, liquid, toxic, n.o.s.	57100	6.1 I		60/85/100	200 Y	
Disinfectants, liquid, toxic, n.o.s.	57100	6.1 II		60/85/100	200 Y	
Disinfectants, liquid, toxic, n.o.s.	57100	6.1 III		60/85/100	200 Y	
Disinfectants, solid, toxic, n.o.s.	57100	6.1 II		60/85/100	200 Y	
Disinfectants, solid, toxic, n.o.s.	57100	6.1 III		60/85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Dithiocarbamate pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3.1		77.5	250	
Dithiocarbamate pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3.11		77.5	250	
Dithiocarbamate pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Dithiocarbamate pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Dithiocarbamate pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Dithiocarbamate pesticides, liquid, toxic, flash point not less than 23 degrees C	102100	6.1 I		77.5	200	
Dithiocarbamate pesticides, liquid, toxic, flash point not less than 23 degrees C	102100	6.1 II		77.5	200	
Dithiocarbamate pesticides, liquid, toxic, flash point not less than 23 degrees C	102100	6.1 III		77.5	200	
Dithiocarbamate pesticides, solid, toxic	102100	6.1 I		77.5	200	
Dithiocarbamate pesticides, solid, toxic	102100	6.1 II		77.5	200	
Dithiocarbamate pesticides, solid, toxic	102100	6.1 III		77.5	200	
Dyes, liquid, toxic, n.o.s. or Dye intermediates, liquid, toxic, n.o.s.	60280	6.1 II		100	200 Y	
Dyes, liquid, toxic, n.o.s. or Dye intermediates, liquid, toxic, n.o.s.	60280	6.1 III		100	200 Y	
Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	60280	6.1 I		100	200 Y	
Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	60280	6.1 II		100	200 Y	
Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	60280	6.1 III		100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class	Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Epibromohydrin		43940	6.1 I		85/100	200 Y	
Epichlorohydrin		44410	6.1 II		70	200	
N-Ethyl-N-benzylaniline		43940	6.1 III		85/100	200 Y	
Ethyl bromide		43940	6.1 II		85/100	200 Y	
Ethyl bromacetate		43940	6.1 II		85/100	200 Y	
Ethyl chloroacetate		43940	6.1 II		85/100	200 Y	
Ethyl chloroformate		43940	6.1 I		85/100	200 Y	
Ethyl chlorothioformate		43940	8 II		85/100	250 Y	
Ethyl cyanoacetate		43940	6.1 III		85/100	200 Y	
Ethyl isocyanate		43940	3 I		85/100	250 Y	
Ethyl nitrite solutions		43940	3 I		85/100	250 Y	
Ethyl oxalate		43940	6.1 III		85/100	200 Y	
Ethyl phosphonothioic dichloride, anhydrous		43940	6.1 I		85/100	200 Y	
Ethyl phosphorous dichloride, anhydrous pyrophoric liquid		43940	6.1 I		85/100	200 Y	
Ethyl phosphorodichloridate		43940	6.1 I		85/100	200 Y	
N-Ethylaniline		43940	6.1 III		85/100	200 Y	
2-Ethylaniline		43940	6.1 III		85/100	200 Y	
N-Ethylbenzyltoluidines liquid		43940	6.1 III		85/100	200 Y	
N-Ethylbenzyltoluidines solid		43940	6.1 III		85/100	200 Y	
Ethylchloroarsine		43940	6.1 I		85/100	200 Y	
Ethylene chlorohydrin		44490	6.1 I		70	200	
Ethylene dibromide		44493	6.1 I		55/100	200	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Ethylene dichloride	44495	3 II		55/100	250	
Ethylene glycol monobutyl ether	43940	6.1 III		85/100	200 Y	
Ethylene oxide and propylene oxide mixtures, with not more than 30 percent ethylene oxide	43940	3 I		85/100	250 Y	
Ethylencimine, inhibited	43940	6.1 I		85/100	300 Y	
2-Ethylhexyl chloroformate	43940	6.1 II		85/100	200 Y	
N-Ethyltoluidines	43940	6.1 II		85/100	200 Y	
Ferric arsenate	43940	6.1 II		85/100	200 Y	
Ferric arsenite	43940	6.1 II		85/100	200 Y	
Ferrosilicon, with 30 percent or more but less than 90 percent silicon	43940	4.3 III		85/100	250 Y	
Ferrous arsenate	43940	6.1 II		85/100	200 Y	
Flammable liquid, toxic, corrosive, n.o.s.	43940	3 I		85/100	250 Y	
Flammable liquid, toxic, corrosive, n.o.s.	43940	3 II		85/100	250 Y	
Flammable liquids, toxic, n.o.s.	43940	3 I		85/100	250 Y	
Flammable liquids, toxic, n.o.s.	43940	3 II		85/100	250 Y	
Flammable liquids, toxic, n.o.s.	43940	3 III		85/100	250 Y	
Flammable solid, toxic, inorganic, n.o.s.	43940	4.1 II		85/100	250 Y	
Flammable solid, toxic, inorganic, n.o.s.	43940	4.1 III		85/100	250 Y	
Flammable solid, toxic, organic, n.o.s.	43940	4.1 II		85/100	250 Y	
Flammable solid, toxic, organic, n.o.s.	43940	4.1 III		85/100	250 Y	
Fluoroacetic acid	3040	6.1 I		85/92.5/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Fluoroanilines	43940	6.1 III		85/100	200 Y	
Fluorosilicates, n.o.s.	43940	6.1 III		85/100	200 Y	
Furfuryl alcohol	42690	6.1 III		60/65/100	200 Y	
Glycidol alpha-monochlorohydrin	43940	6.1 III		85/100	200 Y	
Glycidaldehyde	43940	3 II		85/100	250 Y	
Halogenated irritating liquids, n.o.s.	43940	6.1 I		85/100	200 Y	
Halogenated irritating liquids, n.o.s.	43940	6.1 II		85/100	200 Y	
Halogenated irritating liquids, n.o.s.	43940	6.1 III		85/100	200 Y	
Hexachloroacetone	43940	6.1 III		85/100	200 Y	
Hexachlorobenzene	43940	6.1 III		85/100	200 Y	
Hexachlorobutadiene	43940	6.1 III		85/100	200 Y	
Hexachlorocyclopentadiene	43940	6.1 I		85/100	200 Y	
Hexachlorophene	43940	6.1 III		85/100	200 Y	
Hexaethyl tetraphosphate liquid	43940	6.1 I		85/100	200 Y	
Hexaethyl tetraphosphate liquid	43940	6.1 II		85/100	200 Y	
Hexaethyl tetraphosphate liquid	43940	6.1 III		85/100	200 Y	
Hexaethyl tetraphosphate, solid	43940	6.1 I		85/100	200 Y	
Hexaethyl tetraphosphate, solid	43940	6.1 II		85/100	200 Y	
Hexaethyl tetraphosphate, solid	43940	6.1 III		85/100	200 Y	
Hexafluoroacetone hydrate	43940	6.1 II		85/100	200 Y	
Hexamethylene diisocyanate	43940	6.1 II		85/100	200 Y	
Hydrazine, anhydrous or Hydrazine, aqueous solutions with more than 64 percent hydrazine, by mass	43940	8 I		85/100	250 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Hydrazine, anhydrous or Hydrazine, aqueous solution with not more than 37 percent hydrazine, by mass	43940	6.1 III		85/100	200 Y	
Hydrazine hydrate or Hydrazine aqueous solutions, with not less than 37 percent but more than 64 percent hydrazine, by mass	43940	8 II		85/100	250 Y	
Hydrocyanic acid, aqueous solutions or Hydrogen cyanide, aqueous solutions with not more than 20 percent hydrogen cyanide	85990	6.1 I		200	200	
Hydrocyanic acid, aqueous solutions with less than 5 percent hydrogen cyanide	4160	6.1 II		85	200	
Hydrofluoric acid and Sulfuric acid mixtures	4200	8 I		70	250	
Hydrofluoric acid, solution, with more than 60 percent strength	4180	8 I		70/85	250 Y	
Hydrofluoric acid, solution, with not more than 60 percent strength	4180	8 II		70/85	250 Y	
Hydrogen cyanide, solution in alcohol with not more than 45 percent hydrogen cyanide	85990	6.1 I		200	200	
Hydrogen cyanide, stabilized with less than 3 percent water	85990	6.1 I		200	300	
Hydrogen cyanide, stabilized with less than 3 percent water and absorbed in a porous material	85990	6.1 I		200	200	
Hydrogen fluoride, anhydrous	43940	8 I		85/100	250 Y	
Hydroquinone	43940	6.1 III		85/100	200 Y	
Iodine pentafluoride	43940	5.1 I		85/100	250 Y	
Iron pentacarbonyl	43940	6.1 I		85/100	300 Y	
Isobutyl chloroformate	43940	6.1 I		85/100	200 Y	
Isobutyl isocyanate	43940	3 II		85/100	250 Y	

Hazardous Materials Description and Proper Shipping Name	Class Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Isobutyronitrile	43940	3 II		85/100	250 Y	
Isocyanates, flammable, toxic, n.o.s. or isocyanate solutions, flammable, toxic, n.o.s., flashpoint less than 23 degrees C	43940	3 II		85/100	250 Y	
Isocyanates, toxic, flammable, n.o.s. or isocyanate solutions, toxic, flammable, n.o.s., flash point not less than 23 degrees C but more than 61 degrees C and boiling point less than 300 degrees C	43940	6.1 II		85/100	200 Y	
Isocyanates, toxic, n.o.s. or isocyanate solutions, toxic, n.o.s., flash point more than 61 degrees C and boiling point less than 300 degrees C	43940	6.1 III		85/100	200 Y	
Isocyanates, toxic, n.o.s. or isocyanate solutions, toxic, n.o.s., flash point more than 61 degrees C and boiling point less than 300 degrees C	43940	6.1 III		85/100	200 Y	
Isocyanatobenzotrifluorides	43940	6.1 II		85/100	200 Y	
Isophorone diisocyanate	43940	6.1 III		85/100	200 Y	
Isopropyl chloroformate	43940	6.1 I		85/100	200 Y	
Isopropyl isocyanate	43940	3 I		85/100	300 Y	
Lead acetate	44880	6.1 III		70/85	200 Y	
Lead arsenates	102140	6.1 II		77.5	200	
Lead arsenites	102140	6.1 II		77.5	200	
Lead compounds, soluble, n.o.s.	43940	6.1 III		85/100	200 Y	
Lead cyanide	43940	6.1 II		85/100	200 Y	
Lead nitrate	44890	5.1 II		70	250 Y	
Lead perchlorate, solid	43940	5.1 II		85/100	250 Y	

Hazardous Materials Description and Proper Shipping Name	Class. Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
London Purple	102220	6.1 II		77.5	200	
Magnesium aluminum phosphide	43940	4.3 I		85/100	250 Y	
Magnesium arsenate	43940	6.1 II		85/100	200 Y	
Magnesium fluorosilicate	45060	6.1 III		65/77.5	200 Y	
Magnesium phosphide	43940	4.3 I		85/100	250 Y	
Malonitrile	43940	6.1 II		85/100	200 Y	
Medicine, liquid, flammable, toxic, n.o.s.	58770	3 II		85/100	250 Y	
Medicine, liquid, flammable, toxic, n.o.s.	58770	3 III		85/100	250 Y	
Medicine, liquid, toxic, n.o.s.	58770	6.1 II		85/100	200 Y	
Medicine, liquid, toxic, n.o.s.	58770	6.1 III		85/100	200 Y	
Medicine, solid, toxic, n.o.s.	58770	6.1 II		85/100	200 Y	
Medicine, solid, toxic, n.o.s.	58770	6.1 III		85/100	200 Y	
Mercaptans, liquid, flammable, toxic, n.o.s., or Mercaptain mixtures, liquid, flammable, toxic, n.o.s.	43940	3 II		85/100	250 Y	
Mercaptans, liquid, flammable, toxic, n.o.s., or Mercaptain mixtures, liquid, flammable, toxic, n.o.s.	43940	3 III		85/100	250 Y	
Mercaptans, liquid, toxic, flammable, n.o.s., or Mercaptain mixtures, liquid, toxic, flammable n.o.s., flash point not less than 23 degrees C	43940	6.1 II		85/100	200 Y	
Mercuric arsenate	43940	6.1 II		85/100	200 Y	
Mercuric chloride	43940	6.1 II		85/100	200 Y	
Mercuric nitrate	43940	6.1 II		85/100	200 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class, Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Mercuric potassium cyanide	43940	6.1 I		85/100	200 Y	
Mercurous nitrate	43940	6.1 II		85/100	200 Y	
Mercury acetate	43940	6.1 II		85/100	200 Y	
Mercury ammonium chloride	43940	6.1 II		85/100	200 Y	
Mercury based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 I		77.5	250	
Mercury based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 II		77.5	250	
Mercury based pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Mercury based pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Mercury based pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Mercury based pesticides, liquid, toxic, flammable, flash point not less than 23 degrees	102100	6.1 I		77.5	200	
Mercury based pesticides, liquid, toxic, flammable, flash point not less than 23 degrees	102100	6.1 II		77.5	200	
Mercury based pesticides, liquid, toxic, flammable, flash point not less than 23 degrees	102100	6.1 III		77.5	200	
Mercury based pesticides, solid, toxic	102100	6.1 I		77.5	200	
Mercury based pesticides, solid, toxic	102100	6.1 II		77.5	200	
Mercury based pesticides, solid, toxic	102100	6.1 III		77.5	200	
Mercury benzoate	43940	6.1 II		85/100	200 Y	
Mercury bromides	43940	6.1 II		85/100	200 Y	
Mercury compounds, liquid, n.o.s.	43940	6.1 I		85/100	200 Y	
Mercury compounds, liquid, n.o.s.	43940	6.1 II		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class. Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 6000?
Mercury compounds, liquid, n.o.s.	43940	6.1 III		85/100	200 Y	
Mercury compounds, solid, n.o.s.	43940	6.1 I		85/100	200 Y	
Mercury compounds, solid, n.o.s.	43940	6.1 II		85/100	200 Y	
Mercury compounds, solid, n.o.s.	43940	6.1 III		85/100	200 Y	
Mercury cyanide	43940	6.1 II		85/100	200 Y	
Mercury gluconate	43940	6.1 II		85/100	200 Y	
Mercury iodide	43940	6.1 II		85/100	200 Y	
Mercury iodide, solution	43940	6.1 II		85/100	200 Y	
Mercury nucleate	43940	6.1 II		85/100	200 Y	
Mercury oleate	43940	6.1 II		85/100	200 Y	
Mercury oxide	43940	6.1 II		85/100	200 Y	
Mercury oxyanide, desensitized	43940	6.1 II		85/100	200 Y	
Mercury potassium iodide	43940	6.1 II		85/100	200 Y	
Mercury salicylate	43940	6.1 II		85/100	200 Y	
Mercury sulfates	43940	6.1 II		85/100	200 Y	
Mercury thiocyanate	43940	6.1 II		85/100	200 Y	
Metal carbonyls, n.o.s.	43940	6.1 I		85/100	200 Y	
Metal carbonyls, n.o.s.	43940	6.1 II		85/100	200 Y	
Metal carbonyls, n.o.s.	43940	6.1 III		85/100	200 Y	
Methacrylaldehyde	43940	3 I		85/100	250 Y	
Methanesulfonyl chloride	43940	6.1 I		85/100	200 Y	
Methanol, or Methyl alcohol	42690	3 II		60/65/100	250 Y	
Methoxy methyl isocyanate	43940	3 I		85/100	300 Y	
Methyl benzoate	43940	6.1 III		85/100	200 Y	
Methyl bromide and ethylene dibromide mixtures, liquid	43940	6.1 I		85/100	200 Y	
Methyl bromoacetate	43940	6.1 II		85/100	200 Y	
Methyl chloroacetate	43940	6.1 II		85/100	200 Y	
Methyl chloroformate	43940	6.1 I		85/100	300 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class. Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Methyl chloromethyl ether	43940	6.1 I		85/100	300 Y	
Methyl dichloroacetate	43940	6.1 III		85/100	200 Y	
2-Methyl-5-ethylpyridine	43940	6.1 III		85/100	200 Y	
Methyl iodide	43940	6.1 I		85/100	200 Y	
Methyl isocyanate	43940	6.1 I		85/100	300 Y	
Methyl isothiocyanate	43940	3 II		85/100	250 Y	
Methyl orthosilicate	43940	6.1 I		85/100	200 Y	
Methyl parathion liquid	43940	6.1 II		85/100	200 Y	
Methyl parathion solid	43940	6.1 II		85/100	200 Y	
Methyl phosphonic dichloride	43940	6.1 I		85/100	200 Y	
Methyl phosphonic dichloride, pyrophoric liquid	43940	6.1 I		85/100	200 Y	
Methyl trichloroacetate	43940	6.1 III		85/100	200 Y	
Methyl vinyl ketone	43940	3 II		85/100	300 Y	
alpha-Methylbenzyl alcohol	42670	6.1 III		100/125	200 Y	
Methyldichlorarsine	86045	6.1 I		200	200	
Methylhydrazine	43940	6.1 I		85/100	300 Y	
Motor fuel anti-knock mixtures	50260	6.1 I		100	200	
beta-Naphthylamine	43940	6.1 II		85/100	200 Y	
alpha-Naphthylamine	43940	6.1 III		85/100	200 Y	
Naphthylthiourea	43940	6.1 II		85/100	200 Y	
Naphthylurea	43940	6.1 II		85/100	200 Y	
Nickel carbonyl	43940	6.1 I		85/100	300 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Nicotine	43940	6.1 II		85/100	200 Y	
Nicotine compounds, liquid, n.o.s. or Nicotine preparations, liquid, n.o.s.	43940	6.1 I		85/100	200 Y	
Nicotine compounds, liquid, n.o.s. or Nicotine preparations, liquid, n.o.s.	43940	6.1 II		85/100	200 Y	
Nicotine compounds, liquid, n.o.s. or Nicotine preparations, liquid, n.o.s.	43940	6.1 III		85/100	200 Y	
Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s.	43940	6.1 I		85/100	200 Y	
Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s.	43940	6.1 II		85/100	200 Y	
Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s.	43940	6.1 III		85/100	200 Y	
Nicotine hydrochloride or Nicotine hydrochloride solution	43940	6.1 II		85/100	200 Y	
Nicotine salicylate	43940	6.1 II		85/100	200 Y	
Nicotine sulfate, solid	43940	6.1 II		85/100	200 Y	
Nicotine sulfate, solution	43940	6.1 II		85/100	200 Y	
Nicotine tartrate	43940	6.1 II		85/100	200 Y	
Nitric acid, red fuming	4360	8 I		70/100	250 Y	
Nitriles, toxic, flammable, n.o.s.	144790	6.1 I		65/85/100	200 Y	
Nitriles, toxic, flammable, n.o.s.	144790	6.1 II		65/85/100	200 Y	
Nitriles, toxic, n.o.s.	144790	6.1 I		65/85/100	200 Y	
Nitriles, toxic, n.o.s.	144790	6.1 II		65/85/100	200 Y	
Nitriles, toxic, n.o.s.	144790	6.1 III		65/85/100	200 Y	
3-Nitro-4-chlorobenzotrifluoride	43940	6.1 II		85/100	200 Y	
Nitroanilines (o-,m-,p-)	43940	6.1 II		85/100	200 Y	
Nitroanisole	43940	6.1 III		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class. Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Nitrobenzene	46950	6.1 II		70	200	
Nitrobenzotrifluorides	43940	6.1 II		85/100	200 Y	
Nitrobromobenzenes, liquid	43940	6.1 III		85/100	200 Y	
Nitrobromobenzenes, solid	43940	6.1 III		85/100	200 Y	
Nitrocresols	43940	6.1 III		85/100	200 Y	
Nitrophenols (o-m-p-)	43940	6.1 III		85/100	200 Y	
Nitrotoluenes, liquid (o-m-p-)	43940	6.1 II		85/100	200 Y	
Nitrotoluenes, solid (o-m-p-)	43940	6.1 II		85/100	200 Y	
Nitrotoluidines (mono)	43940	6.1 III		85/100	200 Y	
Nitroxylenes, (o-m-p-)	46960	6.1 II		85/100	200 Y	
tert-Octyl mercaptan	43940	6.1 II		85/100	200 Y	
Organoarsenic compound, n.o.s.	43940	6.1 I		85/100	200 Y	
Organoarsenic compound, n.o.s.	43940	6.1 II		85/100	200 Y	
Organoarsenic compound, n.o.s.	43940	6.1 III		85/100	200 Y	
Organochlorine pesticides liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 I		77.5	250	
Organochlorine pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Organochlorine pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Organochlorine pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Organochlorine pesticides, solid, toxic	102100	6.1 I		77.5	200	
Organochlorine pesticides, solid, toxic	102100	6.1 II		77.5	200	
Organochlorine pesticides, solid, toxic	102100	6.1 III		77.5	200	

Hazardous Materials Description and Proper Shipping Name	Class. Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Organometallic compound, toxic, n.o.s.	43940	6.1 I		85/100	200 Y	
Organometallic compound, toxic, n.o.s.	43940	6.1 II		85/100	200 Y	
Organometallic compound, toxic, n.o.s.	43940	6.1 III		85/100	200 Y	
Organophosphorus compound, toxic, flammable, n.o.s.	43940	6.1 I		85/100	200 Y	
Organophosphorus compound, toxic, flammable, n.o.s.	43940	6.1 II		85/100	200 Y	
Organophosphorus compound, toxic, n.o.s.	43940	6.1 I		85/100	200 Y	
Organophosphorus compound, toxic, n.o.s.	43940	6.1 II		85/100	200 Y	
Organophosphorus compound, toxic, n.o.s.	43940	6.1 III		85/100	200 Y	
Organophosphorus pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 I		77.5	250	
Organophosphorus pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 II		77.5	250	
Organophosphorus pesticides, liquid, flammable, toxic	102100	6.1 I		77.5	200	
Organophosphorus pesticides, liquid, flammable, toxic	102100	6.1 II		77.5	200	
Organophosphorus pesticides, liquid, flammable, toxic	102100	6.1 III		77.5	200	
Organophosphorus pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C	102100	6.1 I		77.5	200	
Organophosphorus pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C	102100	6.1 II		77.5	200	
Organophosphorus pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C	102100	6.1 III		77.5	200	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class, Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Organotin pesticides, solid, toxic	102100	6.1 I		77.5	200	
Organotin pesticides, solid, toxic	102100	6.1 II		77.5	200	
Organotin pesticides, solid, toxic	102100	6.1 III		77.5	200	
Osmium tetroxide	43940	6.1 I		85/100	200 Y	
Oxidizing liquid, toxic, n.o.s.	43940	5.1 I		85/100	250 Y	
Oxidizing liquid, toxic, n.o.s.	43940	5.1 II		85/100	250 Y	
Oxidizing liquid, toxic, n.o.s.	43940	5.1 III		85/100	250 Y	
Oxidizing solid, toxic, n.o.s.	43940	5.1 I		85/100	250 Y	
Oxidizing solid, toxic, n.o.s.	43940	5.1 II		85/100	250 Y	
Oxidizing solid, toxic, n.o.s.	43940	5.1 III		85/100	250 Y	
Parathion	43940	6.1 I		85/100	250 Y	
Parathion	43940	6.1 II		85/100	200 Y	
Pentaborane	43940	4.2 I		85/100	300 Y	
Pentachloroethane	43490	6.1 II		70/85	200 Y	
Pentachlorophenyl	45500	6.1 II		70	200	
Perchloromethyl mercaptan	43940	6.1 I		85/100	200 Y	
Pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102100	3 I		77.5	250	
Pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102100	3 II		77.5	250	
Pesticides, liquid, toxic, flammable, n.o.s., flashpoint not less than 23 degrees C	102100	6.1 I		77.5	200	
Pesticides, liquid, toxic, flammable, n.o.s., flashpoint not less than 23 degrees C	102100	6.1 II		77.5	200	
Pesticides, liquid, toxic, flammable, n.o.s., flashpoint not less than 23 degrees C	102100	6.1 III		77.5	200	

Hazardous Materials Description and Proper Shipping Name	Class. Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Pesticides, liquid, toxic, n.o.s.	102100	6.1 I		77.5	200	
Pesticides, liquid, toxic, n.o.s.	102100	6.1 II		77.5	200	
Pesticides, liquid, toxic, n.o.s.	102100	6.1 III		77.5	200	
Pesticides, solid, toxic, n.o.s.	102100	6.1 I		77.5	200	
Pesticides, solid, toxic, n.o.s.	102100	6.1 II		77.5	200	
Pesticides, solid, toxic, n.o.s.	102100	6.1 III		77.5	200	
Phenacyl bromide	43940	6.1 II		85/100	200 Y	
Phenetidines	43940	6.1 III		85/100	200 Y	
Phenol, molten	4040	6.1 II		70/77.5/100	200 Y	
Phenol, solid	4040	6.1 II		70/77.5/100	200 Y	
Phenol solutions	3050	6.1 II		85/92.5/100	200 Y	
Phenol solutions	3050	6.1 III		85/92.5/100	200 Y	
Phenoxy pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102100	3 I		77.5	250	
Phenoxy pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102100	3 II		77.5	250	
Phenoxy pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Phenoxy pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Phenoxy pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Phenoxy pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 I		77.5	200	
Phenoxy pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 II		77.5	200	
Phenoxy pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 III		77.5	200	

Hazardous Materials Description and Proper Shipping Name	Class	Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Phenoxy pesticides, solid, toxic	102	100	6.1	I	77.5	200	
Phenoxy pesticides, solid, toxic	102	100	6.1	II	77.5	200	
Phenoxy pesticides, solid, toxic	102	100	6.1	III	77.5	200	
Phenyl chloroformate	439	40	6.1	II	85/100	200 Y	
Phenyl isocyanate	439	40	6.1	II	85/100	200 Y	
Phenyl mercaptan	439	40	6.1	I	85/100	200 Y	
Phenyl urea pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102	100		3 I	77.5	250	
Phenyl urea pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C	102	100		3 II	77.5	250	
Phenyl urea pesticides, liquid, toxic	102	100	6.1	I	77.5	200	
Phenyl urea pesticides, liquid, toxic	102	100	6.1	II	77.5	200	
Phenyl urea pesticides, liquid, toxic	102	100	6.1	III	77.5	200	
Phenyl urea pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102	100	6.1	I	77.5	200	
Phenyl urea pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102	100	6.1	II	77.5	200	
Phenyl urea pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102	100	6.1	III	77.5	200	
Phenyl urea pesticides, solid, toxic	102	100	6.1	I	77.5	200	
Phenyl urea pesticides, solid, toxic	102	100	6.1	II	77.5	200	
Phenyl urea pesticides, solid, toxic	102	100	6.1	III	77.5	200	
Phenyl acetone nitrile, liquid	439	40	6.1	III	85/100	200 Y	
Phenyl carbonylamine chloride	439	40	6.1	I	85/100	200 Y	
Phenylendiamines (o-m-p-)	439	40	6.1	III	85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class	Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Phenylhydrazine		43940		6.1 II	85/100	200 Y	
Phenylmercuric acetate		43940		6.1 II	85/100	200 Y	
Phenylmercuric compounds, n.o.s.		43940		6.1 I	85/100	200 Y	
Phenylmercuric compounds, n.o.s.		43940		6.1 II	85/100	200 Y	
Phenylmercuric compounds, n.o.s.		43940		6.1 III	85/100	200 Y	
Phenylmercuric hydroxide		43940		6.1 II	85/100	200 Y	
Phenylmercuric nitrate		43940		6.1 II	85/100	200 Y	
Phosphorus oxychloride		43940		8 II	85/100	250 Y	
Phosphorus trichloride		43940		8 I	85/100	250 Y	
Phosphorus, white dry or Phosphorus, white, under water or Phosphorus, white, in solution or Phosphorus, yellow dry or Phosphorus, yellow under water or Phosphorus, yellow, in solution		43940		4.2 I	85/100	250 Y	
Phosphorus white, molten		43940		4.2 I	85/100	250 Y	
Phthalimide derivative pesticides, liquid, flammable, toxic, flash point less than 23 degrees C		43940		3 I	85/100	250 Y	
Phthalimide derivative pesticides, liquid, flammable, toxic, flash point less than 23 degrees C		43940		3 II	85/100	250 Y	
Phthalimide derivative pesticides, liquid, toxic		43940		6.1 I	85/100	200 Y	
Phthalimide derivative pesticides, liquid, toxic		43940		6.1 II	85/100	200 Y	
Phthalimide derivative pesticides, liquid, toxic		43940		6.1 III	85/100	200 Y	
Phthalimide derivative pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C		43940		6.1 I	85/100	200 Y	
Phthalimide derivative pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C		43940		6.1 II	85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Phthalimide derivative pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C	43940	6.1 III		85/100	200 Y	
Phthalimide derivative pesticides, solid, toxic	43940	6.1 I		85/100	200 Y	
Phthalimide derivative pesticides, solid, toxic	43940	6.1 II		85/100	200 Y	
Phthalimide derivative pesticides, solid, toxic	43940	6.1 III		85/100	200 Y	
Potassium arsenate	43940	6.1 II		85/100	200 Y	
Potassium arsenite	43940	6.1 II		85/100	200 Y	
Potassium cuprocyanide	43940	6.1 II		85/100	200 Y	
Potassium cyanide	43940	6.1 I		85/100	200 Y	
Potassium fluoride	43940	6.1 III		85/100	200 Y	
Potassium fluoroacetate	43940	6.1 I		85/100	200 Y	
Potassium fluorosilicate	43940	6.1 III		85/100	200 Y	
Potassium hydrodifluoride, solid	43940	8 II		85/100	250 Y	
Potassium metavanadate	43940	6.1 II		85/100	200 Y	
Potassium phosphide	43940	4.3 I		85/100	250 Y	
Propargyl alcohol	43940	3 II		85/100	250 Y	
Propionitrile	43940	3 II		85/100	250 Y	
n-Propyl chloroformate	43940	6.1 I		85/100	200 Y	
n-Propyl isocyanate	43940	6.1 I		85/100	300 Y	
Propylene chlorohydrin	43940	6.1 II		85/100	200 Y	
Quinoline	43940	6.1 III		85/100	200 Y	
Resorcinol	43940	6.1 III		85/100	200 Y	
Selenates or Selenites	43940	6.1 I		85/100	200 Y	
Selenium compound, n.o.s.	43940	6.1 I		85/100	200 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class, Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Selenium compound, n.o.s.	43940	6.1 II		85/100	200 Y	
Selenium compound, n.o.s.	43940	6.1 III		85/100	200 Y	
Selenium disulfide	43940	6.1 II		85/100	200 Y	
Selenium oxide	43940	6.1 I		85/100	200 Y	
Selenium oxychloride	43940	8 I		85/100	250 Y	
Selenium powder	43940	6.1 III		85/100	200 Y	
Self-heating liquid, toxic, inorganic, n.o.s.	43940	4.2 II		85/100	250 Y	
Self-heating liquid, toxic, inorganic, n.o.s.	43940	4.2 III		85/100	250 Y	
Self-heating liquid, toxic, organic, n.o.s.	43940	4.2 II		85/100	250 Y	
Self-heating liquid, toxic, organic, n.o.s.	43940	4.2 III		85/100	250 Y	
Self-heating solid, toxic, inorganic, n.o.s.	43940	4.2 II		85/100	250 Y	
Self-heating solid, toxic, inorganic, n.o.s.	43940	4.2 III		85/100	250 Y	
Self-heating solid, toxic, organic, n.o.s.	43940	4.2 II		85/100	250 Y	
Self-heating solid, toxic, organic, n.o.s.	43940	4.2 III		85/100	250 Y	
Silver arsenite	43940	6.1 II		85/100	200 Y	
Silver cyanide	43940	6.1 II		85/100	200 Y	
Sodium ammonium vanadate	43940	6.1 II		85/100	200 Y	
Sodium arsenite	43940	6.1 III		85/100	200 Y	
Sodium arsenate	46120	6.1 II		85/100	200 Y	
Sodium arsenite, aqueous solutions	43940	6.1 II		85/100	200 Y	
Sodium arsenite, aqueous solutions	43940	6.1 III		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Sodium arsenite, solid	43940	6.1 II		85/100	200 Y	
Sodium azide	43940	6.1 II		85/100	200 Y	
Sodium cacodylate	43940	6.1 II		85/100	200 Y	
Sodium chloroacetate	43940	6.1 III		85/100	200 Y	
Sodium cuprocyanide, solid	43940	6.1 I		85/100	200 Y	
Sodium cuprocyanide, solution	43940	6.1 I		85/100	200 Y	
Sodium dinitro-o-cresolate, dry or wetted with less than 15 percent water, by mass	43940	4.1 I		85/100	200 Y	
Sodium fluoride	43940	6.1 III		85/100	200 Y	
Sodium fluoroacetate	43940	6.1 III		85/100	200 Y	
Sodium fluorosilicate	43940	6.1 III		85/100	200 Y	
Sodium hydrosulfide, solution	46360	8 II		85/100	250 Y	
Sodium pentachlorophenolate	43940	6.1 II		85/100	200 Y	
Sodium phosphide	43940	4.3 I		85/100	250 Y	
Sodium selenite	43940	6.1 II		85/100	200 Y	
Solids containing toxic liquid, n.o.s.	43940	6.1 II		85/100	200 Y	
Stannic phosphide	43940	4.3 I		85/100	250 Y	
Strontium arsenite	43940	6.1 II		85/100	200 Y	
Strontium phosphide	43940	4.3 I		85/100	250 Y	
Strychnine or Strychnine salts	43940	6.1 I		85/100	200 Y	
Substituted nitrophenol pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 I		77.5	250	
Substituted nitrophenol pesticides, liquid, flammable, toxic, flash point less than 23 degrees C	102100	3 II		77.5	250	

Hazardous Materials Description and Proper Shipping Name	Class. Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Substituted nitrophenol pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Substituted nitrophenol pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Substituted nitrophenol pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C	102100	6.1 I		77.5	200	
Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C	102100	6.1 II		77.5	200	
Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C	102100	6.1 III		77.5	200	
Substituted nitrophenol pesticides, solid, toxic	102100	6.1 I		77.5	200	
Substituted nitrophenol pesticides, solid, toxic	102100	6.1 II		77.5	200	
Substituted nitrophenol pesticides, solid, toxic	102100	6.1 III		77.5	200	
Sulfur trioxide, inhibited	43940	8 I		85/100	250 Y	
Sulfur trioxide, uninhibited	43940	8 I		85/100	250 Y	
Sulfuric acid, fuming with 30 percent or more free sulfur trioxide	4540	8 I		60/70/100	250 Y	
Sulfuryl chloride	46770	8 I		70/100	300 Y	
Tear gas candles	64300	6.1 II		85	85	
Tear gas devices with more than 2 percent tear gas substances, by mass	64300	6.1 I		85	85	
Tear gas devices with more than 2 percent tear gas substances, by mass	64300	6.1 II		85	85	
Tear gas substances, liquid, n.o.s.	64300	6.1 I		85	85	
Tear gas substances, liquid, n.o.s.	64300	6.1 II		85	85	
Tear gas substances, solid, n.o.s.	64300	6.1 I		85	85	
Tear gas substances, solid, n.o.s.	64300	6.1 II		85	85	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class, Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Tellurium compound, n.o.s.	43940	6.1 I		85/100	200 Y	
Tellurium compound, n.o.s.	43940	6.1 II		85/100	200 Y	
Tellurium compound, n.o.s.	43940	6.1 III		85/100	200 Y	
Tetrabromoethane	43940	6.1 III		85/100	200 Y	
Tetrachloroethane	47080	6.1 II		65/70	200	
Tetrachloroethylene	43940	6.1 III		85/100	200 Y	
Tetraethyl dithiopyrophosphate	43940	6.1 II		85/100	200 Y	
Tetraethyl lead, liquid	43940	6.1 I		85/100	200 Y	
Tetraethyl pyrophosphate, liquid	43940	6.1 I		85/100	200 Y	
Tetraethyl pyrophosphate, solid	43940	6.1 I		85/100	200 Y	
Tetranitromethane	43940	5.1 I		85/100	250 Y	
Thallium compounds, n.o.s.	43940	6.1 II		85/100	200 Y	
Thallium nitrate	43940	6.1 II		85/100	200 Y	
Thallium sulfate, solid	43940	6.1 II		85/100	200 Y	
4- Thiopentanol	43940	6.1 III		85/100	200 Y	
Thioglycol	43940	6.1 II		85/100	200 Y	
Thiolactic acid	43940	6.1 II		85/100	200 Y	
Thiophosgene	43940	6.1 II		85/100	200 Y	
Titanium tetrachloride	47180	8 II		100/125	250 Y	
Toluene diisocyanate	43940	6.1 II		85/100	200 Y	
Toluidines liquid	47000	6.1 II		100	200 Y	
Toluidines solid	47000	6.1 II		100	200 Y	
2,4-Toluylenediamine or 2,4-Toluenediamine	43940	6.1 III		85/100	200 Y	
Toxic liquid, corrosive, inorganic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic liquid, corrosive, inorganic, n.o.s.						
Inhalation Hazard, Packing Group I.						
Zone A	43940	6.1 I		85/100	300 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class. Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Toxic liquid, corrosive, inorganic, n.o.s., Inhalation Hazard, Packing Group I, Zone B	43940	6.1 I		85/100	200 Y	
Toxic liquid, inorganic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic liquid, inorganic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic liquid, inorganic, n.o.s.	43940	6.1 III		85/100	200 Y	
Toxic liquid, inorganic, n.o.s., Inhalation Hazard, Packing Group I, Zone A	43940	6.1 I		85/100	300 Y	
Toxic liquid, inorganic, n.o.s., Inhalation Hazard, Packing Group I, Zone B	43940	6.1 I		85/100	200 Y	
Toxic liquids, corrosive, organic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic liquids, corrosive, organic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic liquids, corrosive, organic, n.o.s., Inhalation Hazard, Packing Group I, Zone A	43940	6.1 I		85/100	300 Y	
Toxic liquids, corrosive, organic, n.o.s., Inhalation Hazard, Packing Group I, Zone B	43940	6.1 I		85/100	200 Y	
Toxic liquids, flammable, organic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic liquids, flammable, organic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic liquids, flammable, organic, n.o.s., Inhalation Hazard, Packing Group I, Zone A	43940	6.1 I		85/100	300 Y	
Toxic liquids, flammable, organic, n.o.s., Inhalation Hazard, Packing Group I, Zone B	43940	6.1 I		85/100	200 Y	
Toxic liquids, organic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic liquids, organic, n.o.s.	43940	6.1 II		85/100	200 Y	

<i>Hazardous Materials Description and Proper Shipping Name</i>	<i>Class, Item No.</i>	<i>Hazard Class or Division</i>	<i>Packing Group</i>	<i>Current Class</i>	<i>Proposed Class</i>	<i>Subject to Item 60000?</i>
Toxic liquids, organic, n.o.s.	43940	6.1 III		85/100	200 Y	
Toxic liquids, organic, n.o.s., Inhalation Hazard, Packing Group I, Zone A	43940	6.1 II		85/100	300 Y	
Toxic liquids, organic, n.o.s., Inhalation Hazard, Packing Group I, Zone B	43940	6.1 I		85/100	200 Y	
Toxic liquids, oxidizing, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic liquids, oxidizing, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic liquids, oxidizing, n.o.s., Inhalation Hazard, Packing Group I, Zone A	43940	6.1 I		85/100	300 Y	
Toxic liquids, oxidizing, n.o.s., Inhalation Hazard, Packing Group I, Zone B	43940	6.1 I		85/100	200 Y	
Toxic liquids, water-reactive, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic liquids, water-reactive, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic liquids, water-reactive, n.o.s., Inhalation Hazard, Packing Group I, Zone A	43940	6.1 I		85/100	300 Y	
Toxic liquids, water-reactive, n.o.s., Inhalation Hazard, Packing Group I, Zone B	43940	6.1 I		85/100	200 Y	
Toxic solid, corrosive, inorganic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic solid, corrosive, inorganic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic solid, inorganic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic solid, inorganic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic solid, inorganic, n.o.s.	43940	6.1 III		85/100	200 Y	
Toxic solid, corrosive, organic, n.o.s.	43940	6.1 I		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Toxic solid, corrosive, organic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic solid, flammable, organic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic solid, flammable, organic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic solid, organic, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic solid, organic, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic solid, organic, n.o.s.	43940	6.1 III		85/100	200 Y	
Toxic solids, oxidizing, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic solids, oxidizing, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic solids, self-heating, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic solids, self-heating, n.o.s.	43940	6.1 II		85/100	200 Y	
Toxic solids, water reactive, n.o.s.	43940	6.1 I		85/100	200 Y	
Toxic solids, water reactive, n.o.s.	43940	6.1 II		85/100	200 Y	
Triallyl borate	43940	6.1 III		85/100	200 Y	
Triazine pesticides, liquid, toxic	102100	6.1 I		77.5	200	
Triazine pesticides, liquid, toxic	102100	6.1 II		77.5	200	
Triazine pesticides, liquid, toxic	102100	6.1 III		77.5	200	
Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 I		77.5	200	
Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 II		77.5	200	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C	102100	6.1 III		77.5	200	
Triazine pesticides, solid, toxic	102100	6.1 I		77.5	200	
Triazine pesticides, solid, toxic	102100	6.1 II		77.5	200	
Triazine pesticides, solid, toxic	102100	6.1 III		77.5	200	
Trichloroacetyl chloride	43940	8 II		85/100	250 Y	
Trichlorobenzenes, liquid	47010	6.1 III		70/77.5/100	200 Y	
Trichlorobutene	43940	6.1 II		85/100	200 Y	
1,1,1-Trichloroethane	45290	6.1 III		55/70	200	
Trichloroethylene	47200	6.1 III		55/100	200 Y	
Tricresyl phosphate with more than 3 percent ortho isomer	43940	6.1 II		85/100	200 Y	
2-Trifluoromethyl aniline	43940	6.1 III		85/100	200 Y	
3-Trifluoromethyl aniline	43940	6.1 II		85/100	200 Y	
Trimethoxysilane	43940	6.1 I		85/100	200 Y	
Trimethylacetyl chloride	43940	6.1 I		85/100	200 Y	
Trimethylhexamethylene diisocyanate	43940	6.1 III		85/100	200 Y	
Tris-(1-aziridinyl)phosphine oxide, solution	43940	6.1 II		85/100	200 Y	
Tris-(1-aziridinyl)phosphine oxide, solution	43940	6.1 III		85/100	200 Y	
Vanadium compound, n.o.s.	43940	6.1 I		85/100	200 Y	
Vanadium compound, n.o.s.	43940	6.1 II		85/100	200 Y	
Vanadium compound, n.o.s.	43940	6.1 III		85/100	200 Y	
Vanadium pentoxide, non-fused form	43940	6.1 II		85/100	200 Y	

Hazardous Materials Description and Proper Shipping Name	Class, Item No.	Hazard Class or Division	Packing Group	Current Class	Proposed Class	Subject to Item 60000?
Vanadyl sulfate	43940	6.1 II		85/100	200 Y	
Vinyl chloroacetate	43940	6.1 II		85/100	200 Y	
Vinylpyridenes, inhibited	43940	6.1 II		85/100	200 Y	
Water-reactive liquid, toxic, n.o.s.	43940	4.3 I		85/100	250 Y	
Water-reactive liquid, toxic, n.o.s.	43940	4.3 II		85/100	250 Y	
Water-reactive liquid, toxic, n.o.s.	43940	4.3 III		85/100	250 Y	
Water-reactive solid, toxic, n.o.s.	43940	4.3 I		85/100	250 Y	
Water-reactive solid, toxic, n.o.s.	43940	4.3 II		85/100	250 Y	
Water-reactive solid, toxic, n.o.s.	43940	4.3 III		85/100	250 Y	
Xylenols	43940	6.1 II		85/100	200 Y	
Xylidines, solid	47020	6.1 II		70	200	
Xylidines, solution	43940	6.1 II		85/100	200 Y	
Xylol bromide	47270	6.1 II		150	200 Y	
Zinc arsenate or Zinc arsenite or Zinc arsenate and Zinc arsenite mixtures	43940	6.1 II		85/100	200 Y	
Zinc cyanide	43940	6.1 I		85/100	200 Y	
Zinc fluorosilicate	47350	6.1 III		70	200	
Zinc phosphide	43940	4.3 I		85/100	250 Y	

CL
 ICK

August 25, 1999 -- Twin Falls, Idaho

The Times-News Online


The Times-News
 Online
www.magicvalley.com

 Classified
 Online Ads
 Place An Ad
 Homeseller

 Weather
 Chat
 Food
 Travel
Today's Topstory**Man dies after exposure to herbicide**
 By Brian Haynes
 Times-News writer

TWIN FALLS -- A Vera C. O'Leary Junior High School teacher moonlighting with the Twin Falls Canal Co. died early Tuesday after being exposed to a chemical used to kill moss in canals.

Mark Briere, 38, was found unconscious around 6:45 a.m. by his wife at their Twin Falls home and was pronounced dead about an hour later after police and paramedics failed to revive him.

A day before, Briere had been exposed to acrolein, a toxic herbicide that can cause death with high exposures. An autopsy will be performed to determine the cause of death.

The chemical has been used for 35 years throughout North America, and its maker, Baker Petrolite, has no record of a death caused by exposure to it, said Gary Flaharty, director of investor relations for Baker Hughes, Baker Petrolite's parent company.

Briere worked for the canal company the past three years while on summer break. Monday was to be his final day of the season working for the company, said Vince Alberdi, the canal company's general manager.

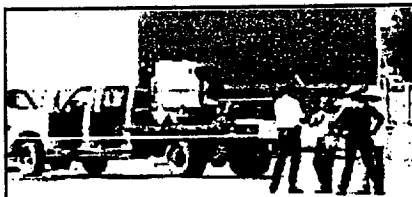
"I can't express enough grief," Alberdi said. "I can assure you an investigation will follow so this kind of accident doesn't happen again."

Briere was exposed to the chemical Monday morning while pumping it into a coulee southwest of Twin Falls. When he moved his truck to allow a nearby resident access to the road, he ran over and broke the plastic pipe, spilling between one and three gallons of acrolein, Alberdi said.



DARIN OSWALD/The Times-News

Joan Kauffmann and Pat Kaes console each other with a hug Tuesday at a memorial service held for their friend and colleague Mark Briere, a teacher and coach at Vera C. O'Leary Junior High School. Briere died Tuesday morning at his home after an accident involving chemicals used at his second job with Twin Falls Canal Co.



BRUCE SHIELDS/The Times-News

Twin Falls Canal Co. General Manager Vince Alberdi, facing the camera, and several others survey the site of a small chemical spill at the company's downtown facility.

News

- News
- Sports
- Features
- Top Story
- Community
- Opinion
- Obituaries
- Newslinks
- Movies
- Past Issues
- Ag Weekly
- Special Reports

Other Links

- Subscribe
- Rec. Guide
- Talk To Us
- Offenders
- Comic Strip
- Area Info
- New Century
- Submit Letter
- Auction Info
- Wanted
- TN Jobs

Publisher:
 Stephen Hartgen

Advertising Director:
 Mike Smit

Managing Editor:

After realizing the chemical was spilling, Briere rushed to stop the flow. In doing so he inhaled some of the fumes and was splashed with some chemical, Alberdi said.

Briere washed himself off in the coulee and went to the Magic Valley Regional Medical Center emergency room, he said.

Doctors there saw Briere and released him, hospital Marketing Director Monie Smith said.

When a canal company supervisor visited Briere at his home later that evening, Briere showed no signs of illness, but he did complain of throat irritation, Alberdi said.

"That's what makes this so terribly bad, because last night he appeared to be fine," he said.

When Briere died the next morning, Twin Falls police began investigating, and two officers ended up in the hospital themselves.

Two police officers and a canal company employee were being kept at area hospitals overnight for observation after being exposed Tuesday to a small amount of acrolein during the investigation, Sgt. Don Hall said.

The officers were exposed while inspecting the broken pipe from Briere's truck at the canal company headquarters in downtown Twin Falls, Alberdi said.

About a cup of acrolein spilled when a canal company employee cut the pipe for the officers, he said.

The officers and employee were taken to Magic Valley Regional, where a decontamination area was set up near the emergency room, he said.

In response to the spill, police barricaded a three-block stretch of road and evacuated nearby buildings for about two hours until canal company workers cleaned the spill, Alberdi said.

Meanwhile, at the site of the first chemical spill, a hazardous materials team was cleaning up whatever was left of the acrolein, which probably wasn't much because the chemical evaporates quickly and becomes harmless, Alberdi said.

The canal company will probably change its acrolein-handling procedures in the wake of Briere's death, he said.

"These kinds of things remind us just how safe we need to be," he said.

Times-News writer Brian Haynes can be reached at 733-0931, Ext. 238, or by e-mail at bhaynes@hotmail.com.

The chemical herbicide acrolein, also called Magnacide H, is used to kill submerged weeds in flowing canals and ditches. It may enter the environment though its main use as an aquatic herbicide or by spills. It is highly effective but is an extremely dangerous gas, poisonous and highly flammable.

The following is a summary of acrolein:

- * Acrolein can affect you when it's inhaled, or when it is absorbed through the skin.
- * Exposure can cause pulmonary edema, a buildup of fluid in the lungs. Exposure to

Clark Walworth

Classified Manager:
Kim Patterson

General Manager:
Allen Wilson

Internet Coordinator:
Tracey Emery

About
The Times-News
Online

E-Mail Us or give us
a call at
(208)733-0931 or call
toll free at
1-800-658-3883.

E-Mail The
Webmaster

acrolein can also cause death.

- * Chronic toxic effects may include a shortened life span and reproductive problems.

- * Contact with acrolein can immediately burn the skin and eyes.

- * Acrolein is a clear, colorless or yellowish liquid with a piercing, disagreeable odor that causes tears.

- * Acrolein will effect you if it is directly inhaled or if it is spilled onto your skin.

* Sources: U.S. Environmental Protection Agency fact sheet on acrolein. U.S. Department of Labor Occupational Safety & Health Administration chemical sampling fact sheet on acrolein. Idaho

[BACK](#) | [HOME](#) | [TOP OF PAGE](#)

Copyright (c) 1999, Magic Valley Newspaper

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Canal Company Worker Killed in Incident Involving Acrolein			
Location		Date of Incident	
Twin Falls, ID, United States		8/23/1999- 8:30 AM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-2247	496188	None Reported	
Current Status		Date of Report Update	
No CSB Action		8/25/1999 - 5:20 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
None Reported	None Reported	1	
Chemicals Involved			
- Acrolein [2-Propenal]			
Description or Latest Development			

Information Added: Wednesday, August 25, 1999 - 5:02 PM			

Associated Press reported that a junior high school teacher who was moonlighting with the Twin Falls Canal Co. died after being exposed to a chemical used to kill moss in canals. Mark Briere, 38, was found unconscious Tuesday morning by his wife and was pronounced dead about an hour later after police and paramedics failed to revive him. On Monday, the worker had been pumping the herbicide into a coulee southwest of Twin Falls when he ran over a plastic pipe with his truck, breaking it. After realizing the chemical was spilling, Briere rushed to stop the flow. As he was doing so he inhaled some of the fumes and was splashed with some of the chemical, said Vince Alberdi, the canal company's general manager, according to the Associated Press. The worker went to Magic Valley Regional Medical Center's emergency room after washing himself off in the coulee. Doctors there examined him and released him. When a canal company supervisor visited Briere at his home later that night, Briere showed no signs of illness, but complained of throat irritation, a company spokesman said. The chemical has been used for 35 years throughout North America, and its maker, Baker Petrolite, has no record of a death caused by exposure to it, said the director of investor relations for Baker Hughes, Baker Petrolite's parent company.			

Information Added: Tuesday, August 24, 1999 - 4:23 PM			

Material was being applied from 52 gallon pressurized container on truck into small irrigation ditch when hose became tangled in tire and broke. The fire department responded and washed material off road into water (which material was originally being sprayed into). The size of the impacted area was 3-4 ft. by 1 ft. NRC reported that fatally injured worker was sprayed with chemical and it is not known if this caused the fatality.			
Sources (* indicates the original source)		Source Details	
• National Response Center * • Media - Associated Press		8/24/99 at 2:03pm	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that

[RETURN TO PREVIOUS PAGE](#)[RETURN TO PREVIOUS PAGE](#)

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Delivery Truck Driver Killed by Hydrogen Sulfide			
Location		Date of Incident	
Whitehall, MI, United States		6/29/1999- 2:45 PM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-1085	486176	None Reported	
Current Status		Date of Report Update	
No CSB Action		7/8/1999 - 5:36 PM	
Incident Types	Location Types		
- Release to Environment	Fixed Facility, In Transit (Highway)		
Evacuations	Injuries	Fatalities	
Yes - Number Unknown	1	1	
Chemicals Involved			
- Ferric Sulfate			
- Hydrogen sulfide			
- Sulfuric Acid			
Description or Latest Development			
Information Added: Tuesday, June 29, 1999 - 3:22 PM			
A delivery truck driver was killed when ferric sulfate was offloaded into the wrong tank at Whitehall Leather Co. in Whitehall, MI on June 4, 1999. The receiving tank contained pickle liquor (sulfuric acid). The acid reacted with the new material and generated a cloud of hydrogen sulfide, killing the driver and injuring a plant employee.			
Sources (* indicates the original source)		Source Details	
National Response Center *		Reported 6/4/99 at 6:00 AM updated 10:00 AM	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [beta test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

[Home](#) | [This Page](#)
[About](#) | [Search](#) | [Feedback](#) | [Contact](#) | [Library](#)

Chain-reaction Crash Closes Portion of I-95

By ALAN SIPRESS
and JOSH WHITE
Washington Post Staff Writers

A chain-reaction collision yesterday involving three trucks, including a tractor-trailer hauling lethal chemicals, closed part of Interstate 95 south of Fredericksburg, Va., for much of the day and kept nearby schools from opening.

Police allowed northbound lanes to reopen after they determined that no hazardous material had leaked as the result of the pre-dawn crash. But the southbound lanes remained closed until the disabled trucks were cleared about 3 p.m., backing up traffic for at least six miles from the accident site between the Massaponax and Thornburg exits of the highway.

As a plume of black smoke rose from the wreck, hazardous-material teams were dispatched to the site after police spotted a placard on one of the trucks warning that it was hauling a poisonous cargo. Two state troopers who got there first were quarantined by the side of the highway for several hours, and one of the truck drivers remained trapped in his cab for four hours until emergency crews concluded that it was safe to approach the chemical truck, which was hauling 16 cylinders of methyl bromide. No one was seriously injured.

Three area schools separated from the interstate by a thinly wooded strip of land stayed closed for the day, affecting about 3,000 students at Massaponax High School, Thornburg Middle School and Riverview Elementary School.

Methyl bromide is a colorless gas typically used as a pesticide for controlling insects and rodents, primarily in agriculture but also in fumigating buildings. Exposure to the gas, which is gradually being banned by federal regulation because it contributes to depletion of the ozone layer, can harm the lungs, eyes and skin and cause fatal damage to the central nervous system.

"It could have been much worse," said state police spokeswoman Lucy Caldwell. "Due to the extreme nature and volatility of this material and the smoke coming from the wreck, you can't take any chances endangering other lives. We're very fortunate that it didn't breach [the chemical] con-

tainers."

While emergency crews evaluated the level of danger, thousands of motorists were detoured from I-95 onto Route 1. Thomas Drake, 42, an ink technician from Ladysmith, Va., said his typical 15-minute drive into Fredericksburg lasted more than an hour. "It was pretty hung up all the way through with tractor-trailers and cars everywhere," Drake said. "You don't realize how much traffic goes up and down 95 until you see it all on Route 1."

Roosevelt Johnson, 59, of Lake Anna, said he was ambushed by the massive backup because he had been listening to gospel music rather than traffic reports. "Everyone seemed to be aware of the accident but me," he said.

The collision occurred about 5:30 a.m. after the driver of a Toyota Camry lost control while headed south on the rain-soaked interstate and went into a spin, police said. The car, driven by Anna McCollum, 43, of Richmond, struck a truck hauling pet food to Florida, which in turn jackknifed, blocking all three southbound lanes.

The driver of the dual-trailer rig hauling the toxic chemicals from Baltimore to Charlotte, N.C., braked to avoid a crash. But it was struck from behind by a third truck and plowed into the disabled truck ahead, and one of the two trailers on the chemical-carrying truck overturned. The impact demolished the cab of the third truck, which was carrying boxes of fabric softener to Florida.

"Once we heard that there was a cloud, the worst scenario came into our heads," said Reggie Phillips, spokesman for the Fredericksburg Fire Department. "We couldn't be sure what we were dealing with, and we had to make sure that it wasn't going to be a threat."

The driver of the chemical truck, Jim Chandler, 61, of Charlotte, was uninjured, while McCollum and Marvin McDell Jr., 33, of Mobile, Ala., who was driving the pet food truck, were treated at Mary Washington Hospital in Fredericksburg and released. Despite being trapped inside his crushed cab, the driver of the last truck, Robert Dickle, 39, of Charlestown, N.H., was also treated and released. State police said they filed reckless-driving charges against Dickle.

[RETURN TO PREVIOUS PAGE](#)[RETURN TO PREVIOUS PAGE](#)

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title			* SEE IMPORTANT DISCLAIMER BELOW		
Truck Carrying Methyl Bromide Crashes, I-95 in Virginia Closed Most of Day					
Location			Date of Incident		
Fredericksburg, VA, United States			12/14/1999- 5:30 AM		
CSB Incident Number		NRC Report Number	Board Ref. Number		
1999-4524		None Reported	None Reported		
Current Status			Date of Report Update		
No CSB Action			12/15/1999 - 6:33 PM		
Incident Types		Location Types			
- Release to Environment		In Transit (Highway)			
Evacuations		Injuries	Fatalities		
Yes - Number Unknown		Yes - Number Unknown	None		
Chemicals Involved					
- Methyl bromide					
Description or Latest Development					

Information Added: Wednesday, December 15, 1999 - 6:49 PM					

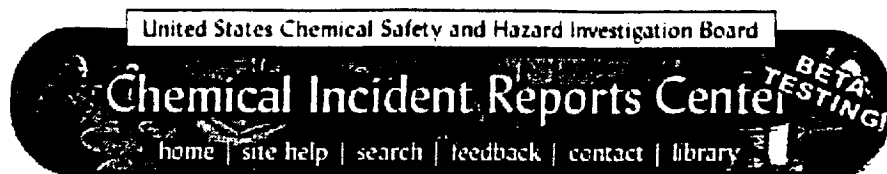
The three-truck chain-reaction crash included a truck carrying lethal methyl bromide cylinders. It forced the closure of busy Interstate Highway 95 for most of the day, and kept several schools from opening. Thick, black smoke poured from the crash site, and hazardous materials crews were dispatched to the wreck when they saw placards on one truck indicating it had a poisonous cargo. One driver was trapped in his truck's cab for four hours until it was determined that none of the 16 methyl bromide cylinders had leaked, and it was safe for rescuers to approach. About 3,000 students were kept away from their schools by the incident. Methyl bromide is a colorless, odorless gas typically used as a pesticide for controlling insects and rodents, primarily in agriculture, but also in building fumigation. Exposure to the gas, which is gradually being banned by federal regulation because it contributes to depletion of the ozone layer, can harm the lungs, eyes and skin and cause fatal damage to the central nervous system.					
Sources (* indicates the original source)			Source Details		
Media *			Washington Post 12-15-99;WRVA-TV		

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to info@csb.gov or through our [beta test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

[Home](#) | [Top of Page](#)
[Site Map](#) | [Search](#) | [Feedback](#) | [Privacy](#) | [Library](#)



Click on envelope to EMAIL the record | Click on printer for a PRINTER FRIENDLY version

BETA TEST - PRINTER FRIENDLY

CIRC Results

Help | New Search

Incident Title

* INCIDENT NUMBER   

Interstate 95 Closed in North Carolina Following Chemical Spill



Location

Roanoke Rapids, NC, United States

Date of Incident

11/11/1999- 5:45 AM

CSB Incident Number

1999-4479

NRC Report Number

None Reported

Board Ref. Number

None Reported

Current Status

No CSB Action

Date of Report Update

11/15/1999 - 5:26 PM

Incident Types

- Release to Environment

Location Types

In Transit (Highway)

Evacuations

400 (Estimate)

Injuries

None Reported

Fatalities

None Reported

Chemicals Involved

- Nitric acid

Description or Latest Development

Information Added: Monday, November 15, 1999 - 5:31 PM

The interstate highway was shut down for hours near the Virginia border after a truck hauling 49,000 pounds of nitric acid overturned when the driver swerved to avoid hitting a deer, authorities said.

Traffic backed up for miles after the early morning wreck, and was still moving at a crawl by evening as crews continued to clear the road.

Authorities did not know how much, if any, of the corrosive, colorless compound spilled. Its fumes can cause severe burns or death if inhaled. Nitric acid is used in chemical synthesis and in making dyes and explosives.

People living in about 100 homes within a half-mile of the accident were asked to evacuate their homes, but many chose to stay.

Northampton County Sheriff Wardie Vincent said after visiting the accident site, "You can actually smell it at certain times, so it's got to be a bad spill."

Sources (* indicates the original source)

• Media *

• Media - Associated Press

Source Details

11-12-99 0747EST

New Search

Top

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title			* SEE IMPORTANT DISCLAIMER BELOW
Truck Leaks Mixed Acids in Penn.			
Location		Date of Incident	
Selinsgrove, PA, United States		6/10/1999- 2:40 PM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-1037	486986	None Reported	
Current Status		Date of Report Update	
No CSB Action		7/13/1999 - 8:08 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
1000 (Estimate)	6 (Estimate)	None Reported	
Chemicals Involved			
- Nitric acid			
Description or Latest Development			

Information Added: Monday, June 28, 1999 - 3:06 PM			

The release occurred on June 10, 1999 and was reported to be between 10 and 100 gallons of nitric acid.			

Information Added: Monday, June 28, 1999 - 10:57 AM			

About 1000 people were evacuated and 6 treated for fume inhalation after a tanker truck passing through Selinsgrove, PA leaked hazardous vapors. Authorities believe the truck belonged to Remtech Environmental Group, and was carrying a mixture of acids made up of mostly nitric acid. Officials believe that the leak was caused when the truck's load shifted causing a pressure valve to release.			

Information Added: Monday, June 28, 1999 - 9:20 AM			

Several hundred people were evacuated or ordered to shelter in place after a truck leaking mixed acids stopped along U.S. Routes 11 and 15 in Selinsgrove, PA. Several miles of highway were closed, and haz-mat crews were called in to deal with the spill.			
Sources (* indicates the original source)		Source Details	
• Media • National Response Center * • Media - Associated Press • Media - NBC		Reported 6/10/99 at 3:11 PM	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [beta test user comment form](#).

RETURN TO THE REPORTING SOURCE

RETURN TO THE CIRC PAGE

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
3 Injured in Maryland after Forklift Punctures Hydrofluoric Acid Drum			
Location		Date of Incident	
Laurel, MD, United States		5/7/1998- 8:30 AM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1998-1117	435802	None Reported	
Current Status		Date of Report Update	
No CSB Action		7/15/1999 - 6:46 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
20	3	None	
Chemicals Involved			
- Hydrogen fluoride/Hydrofluoric acid			
Description or Latest Development			

Information Added: Thursday, July 15, 1999 - 11:30 AM			

Overnite Transportation released 12 gallons of hydrofluoric acid after a forklift punctured a fiberboard drum on a truck trailer in Laurel, MD. Three people were injured and twenty people were evacuated.			
Sources (* indicates the original source)		Source Details	
• National Response Center *			

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [beta test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

Home | End of Page
[Site Map](#) | [Privacy](#) | [Contact Us](#)

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title			* SEE IMPORTANT DISCLAIMER BELOW		
Truck Leaks Mixed Acids in Penn.					
Location			Date of Incident		
Selinsgrove, PA, United States			6/10/1999- 2:40 PM		
CSB Incident Number		NRC Report Number	Board Ref. Number		
1999-1037		486986	None Reported		
Current Status			Date of Report Update		
No CSB Action			7/13/1999 - 8:08 PM		
Incident Types		Location Types			
- Release to Environment		In Transit (Highway)			
Evacuations		Injuries	Fatalities		
1000 (Estimate)		6 (Estimate)	None Reported		
Chemicals Involved					
- Nitric acid					
Description or Latest Development					

Information Added: Monday, June 28, 1999 - 3:06 PM					

The release occurred on June 10, 1999 and was reported to be between 10 and 100 gallons of nitric acid.					

Information Added: Monday, June 28, 1999 - 10:57 AM					

About 1000 people were evacuated and 6 treated for fume inhalation after a tanker truck passing through Selinsgrove, PA leaked hazardous vapors. Authorities believe the truck belonged to Remtech Environmental Group, and was carrying a mixture of acids made up of mostly nitric acid. Officials believe that the leak was caused when the truck's load shifted causing a pressure valve to release.					

Information Added: Monday, June 28, 1999 - 9:20 AM					

Several hundred people were evacuated or ordered to shelter in place after a truck leaking mixed acids stopped along U.S. Routes 11 and 15 in Selinsgrove, PA. Several miles of highway were closed, and haz-mat crews were called in to deal with the spill.					
Sources (* indicates the original source)			Source Details		
• Media • National Response Center * • Media - Associated Press • Media - NBC			Reported 6/10/99 at 3:11 PM		

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our beta [test user comment form](#).

[RETURN TO PREVIOUS PAGE](#)[RETURN TO PREVIOUS PAGE](#)

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Truck Spills Denatured Alcohol in California			
Location		Date of Incident	
Orland, CA, United States		6/4/1999- 2:45 PM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-1080	486274	None Reported	
Current Status		Date of Report Update	
No CSB Action		7/13/1999 - 8:11 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
None Reported	None Reported	None Reported	
Chemicals Involved			
- Alcohol, denatured			
Description or Latest Development			

Information Added: Tuesday, June 29, 1999 - 2:27 PM			

A truck carrying hazardous material spilled an unknown amount of denatured alcohol on I-5 in Orland, CA on June 4, 1999. The cause of the spill has not been determined. Authorities closed the interstate for an undetermined period.			
Sources (* indicates the original source)		Source Details	
• National Response Center *		Reported 6/4/99 at 6:37 PM	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [beta test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

[Home](#) | [About Page](#)
[Site Map](#) | [Search](#) | [Feedback](#) | [Contact](#) | [Help](#)

RETURN TO THE FOLLOWING URL:
http://www.csb.gov/circ

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Drunk Driver Hits Truck Carrying Herbicides in Indiana			
Location		Date of Incident	
Beach Grove, IN, United States		6/25/1998- 11:30 AM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1998-1199	443243	None Reported	
Current Status		Date of Report Update	
No CSB Action		7/22/1999 - 9:58 AM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
None	None Reported	None Reported	
Chemicals Involved			
- CONFRONT (herbicide)			
- TRIMEC (herbicide)			
Description or Latest Development			

Information Added: Thursday, July 22, 1999 - 9:51 AM			

A tractor trailer relased about 200 gallons of a chemical solution after a being struck by a drunk driver in Beach Grove, IN. The drunk driver reportedly damaged the truck's valve system. The solution was comprised of 195 gallons of water, 4.5 gallons of herbicide TRIMEC 899 and 0.5 gallons herbicide CONFRONT.			
Sources (* indicates the original source)		Source Details	
• National Response Center *		Reported 6/25/98	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our beta test [user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
<http://www.csb.gov>

U.S. Chemical Safety Board
<http://www.csb.gov>

[RETURN TO TEST USER COMMENT FORM](#)[RETURN TO PREVIOUS PAGE](#)

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Chemical Leak From Overturned Truck Closes Interstate Near Cincinnati			
Location		Date of Incident	
Sycamore Township, OH, United States		12/12/1999- 10:00 AM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-4519	None Reported	None Reported	
Current Status		Date of Report Update	
No CSB Action		12/13/1999 - 6:17 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
None Reported	None Reported	None Reported	
Chemicals Involved			
- Isocyanate - Polypropylene Glycol - Propane, ethane mixture			
Description or Latest Development			

Information Added: Monday, December 13, 1999 - 6:15 PM			

Northbound lanes of Interstate 71 near Cincinnati were closed practically the entire day due to a chemical leak from an overturned tractor-trailer. Apparently the truck fell onto a concrete wall after skidding on rain-slicked polypropylene glycol and isocyanate were estimated to have spilled from the carrier. One emergency responder complained of respiratory problems, and was treated and released.			
Sources (* indicates the original source)		Source Details	
Media - Associated Press *			

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [data test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

Home | About | Search | Feedback | Contact | Privacy Policy

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Cyanide Spilled From Truck			
Location		Date of Incident	
Independence, CA, United States		7/16/1999- 4:15 AM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-2175	491541	None Reported	
Current Status		Date of Report Update	
No CSB Action		7/16/1999 - 4:51 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
None Reported	None Reported	None Reported	
Chemicals Involved			
- Cyanide Compounds			
Description or Latest Development			

Information Added: Friday, July 16, 1999 - 4:50 PM			

The driver of a truck hauling cyanide noticed a leak and pulled over onto the reporting parties property. The local hazmat team was on scene and an emergency spill response contractor was en route. Amount of cyanide spilled is unknown. The highway was closed in both directions for several hours			
Sources (* indicates the original source)		Source Details	
• National Response Center *			

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our beta test [user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

Home | Search | Help | About | Contact Us

[RETURN TO PREVIOUS PAGE](#)[RETURN TO PREVIOUS PAGE](#)

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Truck Vents Acid, Maine Village Area Evacuated			
Location		Date of Incident	
York, ME, United States		8/13/1999- 4:00 PM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-2226	None Reported	None Reported	
Current Status	Date of Report Update		
No CSB Action	8/17/1999 - 5:05 PM		
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
Yes - Number Unknown	None Reported	None Reported	
Chemicals Involved			
- Fluorosilicic acid			
- Hypochlorite (solution)			
Description or Latest Development			

Information Added: Tuesday, August 17, 1999 - 5:03 PM			

Police and fire officials evacuated a York Village area after a container on a truck carrying hazardous materials began to vent.			
The truck contained eight drums of fluorosilicic acid and eight drums of hypochlorite solution being shipped by the Monson Company of South Portland to the Sanford Water District.			
Emergency workers including a team from the Portsmouth Naval Shipyard stabilized the chemicals, and the area was declared safe at about 7 p.m.			
Sources (* indicates the original source)		Source Details	
- Media * - Media - Associated Press		08-13-99 2230EDT	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [beta test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
www.csb.gov

[Home](#) | [Top of Page](#)
[No Help](#) | [Search](#) | [Feedback](#) | [Contact](#) | [Help](#)

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Leaking Tanker Truck Causes Evacuations			
Location		Date of Incident	
Lebanon, MO, United States		8/25/1999- 6:57 PM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-3525	496406	None Reported	
Current Status		Date of Report Update	
No CSB Action		8/26/1999 - 5:39 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
Yes - Number Unknown	8	None Reported	
Chemicals Involved			
- Nitric acid			
Description or Latest Development			

Information Added: Thursday, August 26, 1999 - 5:49 PM			

The Associated Press reports that eleven miles of Interstate 44 was closed for 16 hours due to the leak. It is now reported that eight people were treated at the hospital for exposure to the fumes, although none were reported to be seriously hurt. The truck was carrying 43,000 pounds of nitric acid when the driver noticed green smoke coming from the back of the tanker truck, according to the Associated Press. Cars and trucks were diverted to nearby surface roads and nearby residents were advised either to stay inside their homes or to leave the area. All but one of the highway's four lanes were reopened Thursday afternoon.			

Information Added: Thursday, August 26, 1999 - 11:19 AM			

NRC reports that the cargo tank on a semi tractor trailer tanker truck was leaking nitric acid through a valve on I-44 at westbound mile marker 126. Fire and rescue personnel responded to the scene. An 800 meter evacuation zone was established, but it is currently unknown how many homes were affected. The NRC reports that the incident occurred in an isolated area. No injuries were reported. It is not known how much nitric acid was released.			
Sources (* indicates the original source)		Source Details	
• National Response Center *		8/25/99 at 7:55pm	
• Media - Associated Press		8/26/99	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [beta test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

RETURN TO PREVIOUS PAGE

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		* SEE IMPORTANT DISCLAIMER BELOW	
Malathion Spilled from Truck, Three Injured			
Location		Date of Incident	
New Port Richey, FL, United States		10/11/1999	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1999-4397	None Reported	None Reported	
Current Status		Date of Report Update	
No CSB Action		10/13/1999 - 3:44 PM	
Incident Types	Location Types		
- Release to Environment	In Transit (Highway)		
Evacuations	Injuries	Fatalities	
None Reported	3 (Estimate)	None Reported	
Chemicals Involved			
- Malathion			
Description or Latest Development			

Information Added: Wednesday, October 13, 1999 - 3:43 PM			

A truck used to treat Medfly outbreaks drove through this town leaking Malathion while the driver was unaware of the problem. Three people were treated for exposure and released from a local medical center.			
A plastic tank in the bed of the truck fell over when a steel tank mount was torn, breaking a valve and releasing an estimated 10 to 11 gallons of the pesticide.			
A spill management team from Southern Waste Services handled the cleanup.			
Sources (* indicates the original source)		Source Details	
- Media * - Media - Associated Press		10-12-99 1817EDT	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to circ@csb.gov or through our [beta test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

Site Map | Search | Home | About | Contact

U.S. Chemical Safety and Hazard Investigation Board - Chemical Incident Reports Center

Incident Title		SEE IMPORTANT DISCLAIMER BELOW	
GE Plastics Releases 2500 Pounds of Dichloromethane in Alabama			
Location		Date of Incident	
Burkville, AL, United States		6/25/1998- 10:15 AM	
CSB Incident Number	NRC Report Number	Board Ref. Number	
1998-1201	443274	None Reported	
Current Status		Date of Report Update	
No CSB Action		7/22/1999 - 1:05 PM	
Incident Types	Location Types		
- Release to Environment	Fixed Facility		
Evacuations	Injuries	Fatalities	
25	None Reported	None Reported	
Chemicals Involved			
- Dichloromethane			
Description or Latest Development			

Information Added: Thursday, July 22, 1999 - 10:24 AM			

Twenty-five people were evacuated when a tank released 2500 pounds of dichloromethane at GE Plastics in Burkville, AL. The tank reportedly overflowed after a disc ruptured.			
Sources (* indicates the original source)		Source Details	
• National Response Center *		Reported 6/25/98	

Disclaimer: *The Chemical Incident Reports Center (CIRC)* is an information service provided by the U.S. Chemical Safety and Hazard Investigation Board (CSB). Users of this service should note that the contents of the CIRC are **not intended to be a comprehensive listing** of all incidents that have occurred; many incidents go unreported or are not entered into the database. **Also, although the CSB never knowingly posts inaccurate information, the CSB is unable to independently verify all information that it receives from its various sources, much of which is based on initial reports.** CIRC users should also note that the CSB receives more comprehensive reports about incidents that occur in the U.S.; comparisons made between U.S. incidents and those in other nations should take this fact into consideration. We welcome your feedback about this service to info@csb.gov or through our [data test user comment form](#).

HELP US BUILD A BETTER WEBSITE!

U.S. Chemical Safety Board
info@csb.gov

[Home](#) | [Top of Page](#)
[Site Map](#) | [Contact](#) | [Newsroom](#) | [Privacy](#) | [Help](#)

Statement of Position
Docket 2000-1, Subject 10
March 3, 2000

This is the verified statement of Robert L. Temper, Director of Logistics for Mallinckrodt Inc. located at 16305 Swingley Ridge Drive, Chesterfield, MO, 63017.

Based in St. Louis, Mo., Mallinckrodt Inc. has three healthcare product segments – Respiratory, Pharmaceuticals and Imaging. The company operates in more than 100 countries and had fiscal 1999 net sales of \$2.6 billion.

Mallinckrodt Inc. annually manufactures and ships hundreds of thousands of packages containing materials that meet the DOT definition of toxic, thus requiring the application of a toxic or poison label. The average density for these packages exceeds 31 pounds per cubic foot, which falls within class 60 of the NCC guidelines. 98.7 percent of the packages are shipped at class 70 or lower. All products are packaged in DOT performance oriented packaging. The primary standard packagings are drums and bottles in boxes. These are not fragile packagings. They are all subject to rigorous testing and must pass at least the minimum drop and stacking test requirements of DOT for each packing group. The standard sizes and types of packaging are common with other hazardous and non-hazardous products. This standard packaging promotes uniform shipments including the ease of handling and stowage. Many shipments are palletized which further promotes ease of handling and stowage as well as the potential for stacking and top loading by carriers.

Docket 2000-1, issued January 14, 2000, contained a one-paragraph justification providing little rationale for the proposal.

The "Analysis of Proposal" that provides the NCC Staff's support for the proposal was apparently issued January 26, 2000, just seven working days before the February 7, 2000 NCC Meeting at which the

proposal was to be voted on by the Panel. I received this document through NASSTRAC, just three working days prior to the Meeting. This was obviously too late to permit thorough consideration for comment at the February 7 Meeting. As a result comments presented were necessarily incomplete and hastily prepared. They were just a series of criticisms of the staff's poorly prepared late analysis.

Then at the panel of the February 7, 2000 Meeting, an additional paper was presented to the panel by the staff. This was presented following the comments of those parties wishing to offer comments. It was not part of the original proposal as docketed. It was not published in the docket. It was not provided as part of the staff analysis made available just days prior to the Meeting. While the staff theoretically does not make proposals, this paper (assigning a class 85 for DOT poisons with PG III labels) was presented by staff. It was voted on as an amendment to the docket subject, which was subsequently approved without due notice or comment period by the shipper community.

This amendment was offered as some relief for the onerous attack on poison shipment classifications. It represents less than thirteen percent of the poison packagings shipped by Mallinckrodt. A DOT Packing Group assignment is not a freight characteristic. It does not distinguish handling characteristics of the freight. Many materials that would be a PG III poison meet the definition of another DOT hazard class at a PG I or PG II so they are not part of this consideration. The eighty-seven percent of the Mallinckrodt poison packagings not in PG III are proposed to go to a class 250 or higher. This is an unjustified doubling or tripling of the classification and resulting rates.

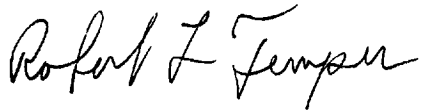
The fact that NCC staff thinks (as presented in their analysis) that there is relief from the proposal because 89% of the specifically named poisons can be shipped as released value at Class 70 is insignificant and misleading. There are 48 of the specifically named poisons (85.7% of Mallinckrodt items) that have current classification ratings of class 70 and lower for specific packagings (i.e. drums, etc.). These items can be shipped at full value at Class 70 or lower today as a result of the density and current classification. This is not a classification characteristic issue; this is an economic issue. If the current status of the

classification of poisonous material were so onerous, carriers would not continue to carry it. Conversely, there is no lack of carriers who solicit our freight with the full knowledge that poisons as well as other hazardous materials constitute a majority of the freight. This is true even though the rates are deeply discounted. Partnerships with existing carriers have resulted in an ongoing relationship of many years with no discussions of poisons having the problems proposed in this docket.

As pointed out in my previous statements, there are significant flaws in the NCC Staff analysis. The staff analysis is riddled with generalizations about DOT regulations, which are not true. In several cases there are statements made about DOT regulations, which do not exist. One of these is a statement that DOT requires hazardous materials to be delivered within 48 hours. There are numerous references to segregation requirements for poisons from other hazardous materials that simply do not exist. The segregation requirements referenced are based on properties of other hazardous materials, not poisons. Examples from OSHA regulations are offered as "where and how containers of poisonous materials must be stored" when these regulations apply to all materials, not just poisons. Referenced examples attached to the analysis to support poisons as a problem do not even have a reference to transportation incidents. The stretch is so far and the errors so numerous that one must question whether there is any support offered in the staff analysis.

Attention is frequently called to the simple characteristics and use of the classification system. If the integrity of the system is to be retained, this reclassification must be rejected. How can the integrity of the system be maintained when a granular material which carries a keep away from food stuff (poison) label would be listed under the description of, "GASES; PYROGENIC LIQUIDS (REFRIGERATED LIQUIDS); POISONOUS GASES; OR POISONOUS MATERIALS, INCLUDING GASES OR LIQUIDS POISONOUS BY INHALATION. Simplification is acceptable as an improvement, however when simplification hinders the intended purpose it is unacceptable. To use it to mask a prefabricated need for reclassification is even worse.

In summary, no case has been made that poisons constitute a separate handling and stowing characteristic of transportation. Packages of poisons are no different than other materials in transportation and offer no change in handling or stowing characteristics. Furthermore there is no justification to change classification from an average class 60 to classes 85, 200, 250 and 300 when the average density meets that of a NCC class 60 definition.

A handwritten signature in black ink, reading "Robert L. Temper". The signature is written in a cursive style with a large, stylized "R" and "T".

Robert L. Temper

Docket 2000-1
Subject 10
January 26, 2000
Mallinckrodt Inc Comments on NCC Staff Analysis of Proposal

Page 1 **E. Effects of the Proposal:**

The fact that NCC thinks that 89% of the specifically named poisons can be shipped as released value at Class 70 is insignificant and misleading. There are 48 of the specifically named poisons (85.7%) that have current classification ratings of class 70 and lower for specific packagings (i.e. drums, etc.). These items can be shipped at full value at Class 70 or lower today.

Page 2 **F. Analysis of Proposal:**

First paragraph: the proposal discusses assigning the class based on a degree of hazard. In fact it is assigned based upon the DOT label requirement of poison with further assignment of a higher class if there is another hazard identified. It has nothing to do with degree of hazard as DOT identifies it using packing group or the hazard precedence table.

1. Background of classification Provisions:

Packaging is identified as the differential for classification when items came from the railroad. This is true and reflects the differences in handling, stowing and density. The carboy in use when the classification came from the railroads was typically 13 gallon glass and was in a wood slat crate for handling. This was no doubt harder to handle than containers in boxes. Carboys could not be stacked where as boxes and drums can. The carboy has since changed to a smaller performance packaging covered in molded expanded polystyrene, which can be handled and stowed to better withstand the rigors of transportation. The steel drum remains the most dense form of the packaging and probably the most resistant to damage, yet affording great efficiency of handling for the carrier.

The last paragraph refers to poisons as having like transportation characteristics that are defined by their poisonous nature. Transportation characteristics are not defined by their poisonous nature. They are defined by density and handling where packaging, in compliance with performance standards, dictates the density of the finished package and its handling characteristics.

2. Federal Regulations Governing Poisonous Materials:

DOT does not attempt to "neatly group" any class of hazardous materials. Hazardous materials are defined by physical and chemical characteristics. One material may exhibit more than one hazard characteristic and DOT hazard classification provides the

opportunity to identify and communicate various hazardous characteristics. DOT does not identify carcinogens yet they are present in transportation. EPA and OSHA consider the long-term risks of carcinogens but they are not a transportation characteristic.

Page 4

3. Transportation Characteristics of Poisonous Materials.

Density:

The average density of poisons has no relevance unless it is to support fact that the range of density of materials identified as poisonous supports the current classification for so many poisons as class 70 and lower.

Stowability:

Second paragraph: poisonous materials are not restricted from being coloaded with other hazardous materials. Flammables, corrosives and oxidizers must be segregated in transportation based upon their chemical properties, not because they are poisons. The NCC reference to their segregation requirements is for segregation of flammables and oxidizers. The fact that they also meet the poison definition is incidental to the segregation requirements of the other hazard classes. It is not a characteristic for economic ratings in transportation.

The number of hazardous materials with which poisons cannot be coloaded is erroneous. NCC is counting the number of proper shipping names in the hazardous materials table that have a compatibility problem (flammable, oxidizer, corrosive, etc.) that also meet the definition of a poison. Segregation is based upon the identification of the hazard class and label, not the proper shipping name of the material. Poisons are only segregated from foods.

Much emphasis is placed on the severe problems of Poison Inhalation Hazards 6.1 Packing Group I, Zone A. They represent on 19 proper shipping names in the table. The number of named items with multiple hazards including poison is only 156 and there are 323 that are specifically poisons.

Page 6.

Handling

Training is an ongoing necessity in both the carrier and shipper sides of the industry. Hazmat training is just another one of the requirements. The degree to which an efficient carrier can accomplish training is reflected in their Hazmat fee, which is already a carrier specific surcharge. Roadway Express implemented a fee of \$8.00 per shipment in January 1999. If this is reflective of their cost of training on proper handling and shipping paper regulations, there is no justification for raising a class 55 poison to class 250.

The entire discussion on page six and seven has little if anything to relate to the handling characteristics of poisons. A carrier option is cited that many flag hazardous materials as a means to ensure that handlers and drivers are aware of the dangers. Roadway Express

is one LTL carrier that requires shippers to identify foods on their bill of lading. Is there a transportation characteristic for food that is impacted by identifying it so it can be segregated from poisons? Is there consideration to raise the classification of food because of this?

The examples cited in the box on page 7 are offered as examples concerning poisons. The first one applies to all hazardous materials, not just poisons, and the remaining apply to all materials regardless of whether or not they are hazardous are specifically poisonous.

Page 8

While it is true that 49CFR requires hazardous materials, not just poisons, to be braced to prevent movement, that is not an exclusive attribute of hazardous materials. 49CFR 393.100 of the motor carrier regulations requires protective devices to prevent any cargo from shifting or falling. This includes non-hazardous as well as hazardous materials.

The significance of volatility is introduced as a poison characteristic. In fact it is a physical attribute of flammables not a transportation classification attribute of poisons. Given that a PIH is volatile it is also treated totally differently as a DOT hazard than are other poisons.

The last sentence in the third paragraph asks consideration of the difference between a broken jar of mayonnaise and a broken jar of dichloromethane. Mayonnaise is very slippery and must be physically cleaned so as not to cause a falling hazard in a trailer. It contains raw eggs and could spoil presenting a toxic situation. Dichloromethane evaporates very quickly. The MSDS says it evaporates 27 times as fast as "Butyl Acetate. It would not be available very long in a trailer.

Liability:

Poisonous materials do not have a propensity to damage as presented here. Poisonous materials do not spontaneously combust or explode. These are physical attributes of other hazardous materials. What constitutes a poison is a definition of a material that can cause death through ingestion, inhalation or skin absorption. The poison cannot do this on its own. It must have a route out of its container to humans. Typically that is through handling other than normally incident to transportation. This entire discussion is aimed at sensationalism and without merit to transportation classification characteristics.

Page 9

The points picked out of the DOT data base on incidents are meaningless as statistics. Since DOT does not have data on the total number of shipments, much less the relative percent of volume by hazard class or packaging group or package type, it is safe to

assume that carriers who are negligent in proper handling which results in damages are negligent in all hazard categories, not just poisons.

Again the analysis in the penultimate paragraph declares that poisons have other hazards. Reference to their numbers presented on page six show 156 proper shipping names with multiple hazards, however there are 323 that are just poisons.

Page 10 Relationship of Proposal to NCC Policies and Guidelines:

Once again poisons are linked to other DOT hazard classes in the coloadng regulations. Poisons are only segregated from foods and in fact there are situations where they can be coloaded if properly separated. Segregation is the result of other hazard properties, not based upon a material meeting the definition of a poison.

The second paragraph states that stowing and handling of poisonous materials may prove fatal to carrier personnel, emergency response personnel and the general public. The correct stowing and handling of poison materials under conditions normally incident to transportation will not precipitate a fatality. Some other event is necessary to link poisons to the circumstances.

Packages of poisonous materials are identical to other packages and offer no increased difficulties in handling and stowing. The only distinction is the poison label requiring segregation from food stuffs. The coloadng restrictions (for other than foods) which are continuously referred to in this analysis are based on other hazard classes (flammable, corrosive and oxidizer) not poisons.

Page 11

There is conflict between this docket and actions under Docket 964 Subject 24. It assigned class 200 to gases which were poisonous by inhalation (PIH). This docket would assign PIH, Zone A materials to class 300. Docket 964 Subject 24 assigned Class 175 to gasses in zone B and assigned poisons (other than PIH Zone A) to class 200. A significant amount of importance of stowing and handling was placed on segregation because of the poison designation. In fact the poison description requires segregation only from food stuffs. As pointed out earlier the segregations are a reflection of other hazard class criteria, not poisons.

The DOT addresses precedence of hazards in 49 CFR 173.2a according to decending order of hazard in a list of 10 divisions. As bad as PIH materials are made out to be, they are the highest ranking poison and are in position five while 6.1 poisons other than PIH Zone A do not appear within the ranking until a table in item eight. All of the confusion about coloadng and segregation and characteristics of poisons tht are based on other hazard classes are but forth to attempt to justify an unnatural fit as transportation characteristics. In reality, poisons have the same transportation characteristics as other density and packaging related handling characteristics. There is no justification for

assigning a Class 200, 250 or 300 as a separate classification because an item meets a DOT poison definition.

A handwritten signature in black ink, appearing to read "R. L. Temper". The signature is stylized with a large initial "R" and a cursive "L. Temper".

R. L. Temper
Director - Logistics
Mallinckrodt Inc.