



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 24, 2020

Tom Forbes
Public Utilities Commission of Ohio
180 E. Broad Street
Suite 431
Columbus, OH 43215

Reference No. 19-0104

Dear Mr. Forbes:

This letter is in response to your August 6, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of a marine pollutant. Specifically, you ask whether the material described in your email as a brightener solution that contains “35-40% alcohols, C10-C16 ethoxylate” meets the definition of a marine pollutant.

In accordance with § 171.8, a marine pollutant means a material which is listed in Appendix B to § 172.101 of the HMR (also see § 171.4) and, when in a solution or mixture of one or more marine pollutants, is packaged in a concentration which equals or exceeds: (1) Ten percent by weight of the solution or mixture for materials listed in the appendix; or (2) one percent by weight of the solution or mixture for materials that are identified as severe marine pollutants in the appendix.

It is the shipper’s responsibility to classify a hazardous material. Alcohol C-12-C-16 poly(1-6) ethoxylate is listed as a marine pollutant in Appendix B of § 172.101. This entry includes ethoxylated alcohols with a range of polymers from C-12 to C-16. If the shipper determines that the brightener solution contains 10 percent by weight or more of these molecules, it is considered a marine pollutant.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Ciccarone

19-0104

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, August 13, 2019 4:44 PM
To: Hazmat Interps
Subject: FW: Marine Pollutant Question - Follow Up Info
Attachments: IMG_0834.jpg; IMG_0835.jpg; IMG_0837.jpg

Hello Alice and Ikeya,

Below is a request for interpretation with attached SDS.

Thanks,

Jonathon, HMIC

From: tom.forbes@puco.ohio.gov [mailto:tom.forbes@puco.ohio.gov]
Sent: Tuesday, August 13, 2019 12:00 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: FW: Marine Pollutant Question - Follow Up Info

Staff:

This is additional information requested get a written interpretation on the questions below.

I have attached 3 photos of the SDS. They are blurry but that is all I have. I have sent an e-mail requesting the SDS from Calvary Industrial Inc.

Mailing Address

180 E. Broad Street, Suite 431
Columbus, Ohio 43215

Tom Forbes

Public Utilities Commission of Ohio
Transportation Department
Assistant Chief Motor Carrier & Rail Enforcement Division
Cell (614) 519-2811
Office (614) 644-0296
PUCO.ohio.gov



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

From: Forbes, William
Sent: Tuesday, August 06, 2019 6:44 PM
To: infocntr@dot.gov
Subject: Marine Pollutant Question

HM Info Staff:

Recently we had a tanker rollover involving the material listed below and I have a question about Marine Pollutant Requirements.

The cargo tank was transporting a brightener solution that contained 35-40 % Alcohols, **C10-C16** ethoxylate. It had no marking or HM shipping paper.

The Marine Pollutant List in Appendix B of 172.101 lists Alcohol **C-12** - C-16 poly(1-6) ethoxylate as a Marine Pollutant.

Note that one is **C10-C16** ethoxylate and the other is **C12-C16** ethoxylate.

In determining if a material is a marine pollutant is anything in the carbon range included? Such as C12-C16 or is in exclusively within the carbon range where C10-C16 would not be a Marine Pollutant?

Does the 2 carbon atoms C10 and C-11 change anything?

Thanks for reviewing,

Tom Forbes

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Assistant Chief Motor Carrier & Rail Enforcement Division
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Office (614) 644-0296
PUCO.ohio.gov



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SAFETY DATA SHEET

Issuing Date: 16-Aug-2016

Revision Date: 16-Sep-2016

Version: 1.01

1. IDENTIFICATION

Product Name Brightener 49 Premix

Product Identifier 91114707_INT_NG

Product Type: Intermediate

Recommended Use Intermediate.

Product Category Unpackaged Bulk Product. This Safety Data Sheet must not be used for Packaged Consumer Product.

Details of the supplier of the safety data sheet Calvary Industries, Inc.
301 Remount Road
Pineville, Louisiana 71360
Information Phone: (513) 874-1113 (Fairfield, Ohio)

E-mail Address pgsds.im@pg.com

Emergency Telephone Transportation (24 HR)
CHEMTREC - 1-800-424-9300
(U.S./Canada) or 1-703-627-3887
Mexico toll free in country: 800-661-9631

2. HAZARD IDENTIFICATION

This product is classified under 29CFR 1910.1200(d) and the Canadian Hazardous Products Regulation as follows:

Acute toxicity - Oral Category 4
Eye Damage / Irritation Category 1

Signal Word DANGER

Hazard Statements Harmful if swallowed
Causes serious eye damage

Hazard pictograms



Precautionary Statements

Wear protective gloves and protective clothing
Wear eye/face protection

Precautionary Statements -

IF INHALED: Remove to fresh air and keep at least in a position comfortable for breathing

9114797_NT_NG - Brightener 49 Premix

Revision Date: 16-Sep-2011

Response:

IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Immediately call a POISON CENTER or doctor/physician.

Precautionary Statements - Storage: None

Precautionary Statements - Disposal: Dispose of contents/container in accordance with local regulation.

Hazards not otherwise classified: None (H302)

3. COMPOSITION INFORMATION ON INGREDIENTS

Ingredients are listed according to 29CFR 1910.1200 Appendix D and the Canadian Hazardous Products Regulation.

Chemical Name	Percentage	Trade Secret	CAS No.	Weight %
Propylene Glycol	Propylene Glycol	No	57-55-6	35 - 40
Alcohols, C10-16, ethoxylated	Alcohols, C10-16, ethoxylated	No	68002-97-1	35 - 40
Benzenesulfonic acid, 2,2'-(1,1'-biphenyl)-4,4'-diyl-2,1-ethanediylbis-, sodium salt (1:2)	Benzenesulfonic acid, 2,2'-(1,1'-biphenyl)-4,4'-diyl-2,1-ethanediylbis-, sodium salt (1:2)	No	27344-41-8	5 - 11

4. FIRST AID MEASURES

First aid measures for different exposure routes

Eye contact

IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists, Get medical attention. Immediately call a POISON CENTER or doctor/physician.

Skin contact

IF ON SKIN: Rinse with plenty of water. If skin irritation occurs, Get medical attention.

Ingestion

IF SWALLOWED: Immediately call a POISON CENTER or doctor/physician. Drink mouthfuls of water.

Inhalation

IF INHALED: Remove to fresh air and keep at rest in a position comfortable for breathing. If exposed or concerned, Get medical attention.

Most important symptoms/effects, acute and delayed

Risk of serious damage to eyes.

Indication of immediate medical attention and special treatment needed, if necessary

Notes to Physician

Treat symptomatically

5. FIRE-FIGHTING MEASURES

Suitable extinguishing media

Dry chemical, Water, Washed-resistant foam, Carbon dioxide (CO₂)

Unsuitable Extinguishing Media

None

Special hazard

Containers may explode when heated. Keep containers and surroundings cool with water.

Special protective equipment for

None. Use fire control water for any release. Fight fire with normal precautions from a safe distance.

91114767_INT_NG - Brightener 49 Premix

Revision Date: 15-Dec-2016

Respiratory Protection

No special protective equipment required

Hygiene measures

Manufacturing Sites:
Wash hands thoroughly after handling
Distribution, Workplace and Household Settings:
Do not eat, drink or smoke when using the product

9. PHYSICAL AND CHEMICAL PROPERTIES

Physical State @20°C

Liquid

Appearance

Clear light yellow

Odor

Mild

Odor threshold

No information available

Property

Values

pH value

5.4

None

Melting/freezing point

No information available

Boiling point/boiling range

120 °C / 248 °F

Flash point

No Flash to Boiling (NFB)

Evaporation rate

No information available

Flammability (solid, gas)

No information available

Flammability Limits in Air

No information available

Upper Flammability Limit

No information available

Lower Flammability Limit

No information available

Vapor pressure

No information available

Vapor density

No information available

Relative density

No information available

Water solubility

No information available

Partition coefficient, n-octanol/water

No information available

Autoignition temperature

No information available

Decomposition temperature

No information available

Viscosity of Product

No information available

10. STABILITY AND REACTIVITY

Reactivity

None under normal use conditions

Stability

Stable under normal conditions

Hazardous polymerization

Hazardous polymerization does not occur

Hazardous Reactions

None under normal processing

Conditions to Avoid

None under normal processing

Materials to avoid

None in particular

Hazardous Decomposition Products None under normal use conditions

11. TOXICOLOGICAL INFORMATION

Product Information

Information on likely routes of exposure

Inhalation

No known effect

Skin contact

No known effect

Ingestion

Harmful if swallowed

Eye contact

Risk of serious damage to eyes. Avoid contact with eyes

Delayed and immediate effects as well as chronic effects from short and long-term exposure

Acute toxicity

May be harmful if swallowed

Skin corrosion/irritation

No known effect