U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

FEB 13 2003

Mr. Henry L. Longest, II
Acting Assistant Administrator
U. S. Environmental Protection Agency
1300 Pennsylvania Ave, NW (8101R)
Washington, DC 20460

Ref No.: 02-0093

Dear Mr. Longest :

This is in response to your January 29, 2002 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to certain environmental samples. Specifically, you requested confirmation that environmental samples which are preserved at the Environmental Protection Agency (EPA) prescribed guidance concentrations, even when reasonably over-preserved, are not corrosive materials subject to the HMR.

The answer is yes. According to your letter and test results submitted, four preservatives (three acids and one base: Nitric acid; Sulfuric acid; Hydrochloric acid; and Sodium Hydroxide) were each tested in an aqueous solution. The environmental samples were prepared by adding a preservative to distilled water. Preserved samples were tested for corrosivity in accordance with 49 CFR §173.137.

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

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Edward T. Mazzullo

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards