



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

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Mr. Jeffrey Brown
Research Associate
People for the Ethical Treatment of Animals
Regulatory Testing Division
2898 Rowena Avenue, Suite 102
Los Angeles, California 90039

Dear Mr. Brown:

Thank you for your February 11, 2012 letter to Inspector General Calvin L. Scovell, III, regarding the adoption into the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) of *in vitro* skin corrosion testing protocols. Your letter has been forwarded to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Hazardous Materials Safety for response.

We appreciate PETA's concerns relative to the use of *in vitro* test methods to determine whether a material is corrosive for transportation as defined by the HMR. PHMSA's Office of Hazardous Materials Safety has worked diligently in international forums to promote the adoption of *in vitro* test methods within relevant international standards and has also long authorized the use of *in vitro* testing under a domestic Special Permit. Once *in vitro* test methods were adopted into the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations (UN Model Regulations), PHMSA published a final rule on January 19, 2011, under Docket HM-215K (76 FR 3308), which aligned the HMR with the UN Model Regulations and incorporated by reference the relevant Organization for Economic Cooperation and Development (OECD) test standards (specifically OECD 430, OECD 431, and OECD 435) for *in vitro* skin corrosion as of January 1, 2011.

In your letter, you request that PHMSA's website, letters of interpretation, and all other materials on this issue be updated to reflect these recent amendments. We agree and have updated our website by removing the previously-issued letters of interpretation and replacing them with our current position which promotes to the extent practicable the use of the *in vitro* skin corrosion test methods.

We appreciate your concerns about this issue and will continue to highlight, promote, and encourage the use of *in vitro* test methods for corrosivity.

Regards,

Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety