



To Whom it May Concern,

The United Nations publishes model regulations for the transportation of hazardous materials in a document called "Recommendations on the Transport of Dangerous Goods". These recommendations form the basis for and are, in turn, incorporated into other national and international codes, including the IMDG code (ocean transport), the IATA code (air transport), U.S. DOT (49CFR, Subchapter C), and the Canadian TDGR code for the transport of dangerous goods. The UN recommendations also prescribe detailed test methods and criteria defining each class, division and packing group which are referenced by or incorporated into the national and international codes. The UN recommendations, as well as the various national and international codes are specific in placing the responsibility for classification of materials placed in transport on the shipper (UN Recommendations sec. 2.0.0, 49CFR 173.22(a)(1)).

The UN Recommendations, as well as the other codes, include lists of materials considered to be dangerous in transportation. These lists include information on proper shipping names, classification, packing group, identification and other special requirements for transport. All of the lists include entries for "Aluminum Powder, Uncoated" and "Aluminum Silicon Powder, Uncoated" as class 4.3, "Dangerous When Wet" materials, with UN numbers 1396 and 1398 respectively. The entries for Aluminum Powder, Uncoated and Aluminum Silicon Powder, Uncoated in the UN Recommendations and the IMDG Code, refer to special provision 223. Special provision 223 reads: "If the chemical or physical properties of a substance covered by this description are such that when tested it does not meet the established defining criteria for the class or division listed in column (3), or any other class or division, it is not subject to these regulations." The IATA regulation, in its listing for Aluminum Powder, Uncoated and Aluminum Silicon Powder, Uncoated, includes a reference to special provision A3. IATA special provision A3 states: "If the chemical or physical properties of a substance covered by this description are such that when tested it does not meet the established defining criteria for the class or division listed in column C, or any other class or division, it is not subject to these regulations." In addition, the DOT regulations declare in 49CFR 172.101c (12)(iv) that if a material is not forbidden in transportation (aluminum and aluminum silicon powders are not forbidden) "and does not meet the definition of any hazard class, the material is not a hazardous material."

Valimet, in concert with several other domestic producers of aluminum powders, participated in a testing program, in accordance with the test criteria in the UN recommendations, for its aluminum and aluminum silicon powders, conducted by the U.S. Bureau of Mines and other testing authorities. The results of that program have demonstrated that Valimet aluminum and aluminum silicon powders do not meet the criteria for inclusion in any division of class 4. Valimet aluminum and aluminum silicon powders do not meet the criteria for any other class or division and are therefore not subject to the transport of dangerous goods regulations, per UN and IMDG special provision 223, IATA special provision A3 or the DOT regulations in 49CFR.

The Hazardous Materials Transportation Act (HMTA) declares that a person may not represent, by marking or other means, that a hazardous material is present in a package, container, motor vehicle, rail freight car, aircraft, or vessel if the hazardous material is not present (49 USC, Subtitle III, Ch. 51, sec. 5104(a)(2)). Since Valimet aluminum and aluminum silicon powders are not hazardous materials as defined by the test criteria and regulatory requirements discussed above, these powders are offered for transportation as non-hazardous materials, without any hazard class description or reference to a UN identification number.

It is important to note that while large quantities of aluminum powders are transported in both international and U.S. domestic commerce without a hazardous classification, the above information applies to aluminum powders in their original, as manufactured state, as shipped by the supplier. Users of aluminum powders are strongly encouraged to consider any alterations to the physical or chemical properties of aluminum powders, which may result from their processing or handling activities when offering products for transportation.

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