



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 13, 2020

Mike Jennings
Leslie's Poolmart, Inc.
2005 E. Indian School Road
Phoenix, AZ 85016

Reference No. 20-0065

Dear Mr. Jennings:

This letter is in response to your August 17, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to bulk packagings of certain low hazard solid materials. In your email, you specifically ask about transporting "UN3260, Corrosive solid, acidic, inorganic, n.o.s., 8, PG II" in "sift-proof non-DOT Specification closed bulk bins" as authorized by § 173.240(c).

In your email, you state that the hazardous material will be transported by ground and packaged in a non-DOT specification cardboard box (i.e., a conventional Gaylord box). Further, you state that the box meets the definition of a bulk packaging and that it is filled with one-pound sealed pouches of the hazardous material with the box either lined with plastic or each individual pouch placed in a plastic bag. Finally, you state that the box is overpacked by shrink-wrapping it to a pallet.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether the packaging described would be considered a sift-proof, non-DOT specification closed bulk bin in accordance with § 173.240(c).
- A1. The answer is yes, provided the packaging is consistent with the HMR definition of sift-proof. In accordance with § 171.8, "sift-proof packaging" means a packaging impermeable to dry contents, including fine solid material produced during transportation. The HMR does not define "closed bulk bin," but it can be described as an "enclosed packaging that is tough, firm, and durable (i.e., strong), constructed so that its contents cannot pass through (i.e., completely enclosed), and which meets other applicable requirements of § 173.24." It is the shipper's responsibility to ensure that the packaging is "designed, constructed, maintained, filled, its contents so limited, and closed, so that under conditions normally incident to transportation" there will be no identifiable release of hazardous material (see § 173.24(b)).

- Q2. You ask whether “UN3260, Corrosive solid, acidic, inorganic, n.o.s., 8, PG II” may be excepted from UN specification or performance-oriented packaging.
- A2. The answer is yes. As specified in the § 172.101 Hazardous Materials Table, the authorized bulk packaging section referenced in column (8B) for “UN3260, Corrosive solid, acidic, inorganic, n.o.s., 8, PG II” is § 173.240 (bulk packaging for certain low hazard solid materials). Section 173.240(c) specifies that a sift-proof, non-DOT specification, closed bulk bin is an authorized packaging for this material. Please be aware that non-DOT specification bulk packagings must still meet the general packaging requirements in §§ 173.24 and 173.24b.
- Q3. You ask whether the “OVERPACK” marking is required on the palletized Gaylord box.
- A3. The answer is no. As prescribed in § 173.25(a)(4), the “OVERPACK” marking is required when specification packagings are required. Therefore, because you are not using a specification bulk packaging, the “OVERPACK” marking is not required.

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

Sincerely,



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

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Letter of Interpretation Request
Date: Wednesday, August 19, 2020 3:48:47 PM

Hello Alice,

Below is a letter of interpretation request.

Thanks,

Jonathon, HMIC

From: Mike Jennings [mailto:mjennings@lesl.com]
Sent: Monday, August 17, 2020 6:40 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Letter of Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern;

We are seeking clarification with regard to shipping of **UN3260, Corrosive solid, acidic, inorganic, n.o.s., 8, PG II in bulk packaging** as described at 49 CFR 173.240(c), specifically, that part reading “and sift-proof non-DOT Specification....closed bulk bins are authorized.” The mode of shipment would be highway. We believe the following described packaging scenario meets the requirements applicable to the identified hazardous material and regulatory citation.

The outer packaging would be a large, sturdy, non-DOT specification cardboard box (e.g. Gaylord box). The box used would have a net mass (once filled) of greater than 400 kg (882 pounds) AND a maximum capacity greater than 450 L (119 gallons). One pound, sealed pouches filled with the hazardous material would be placed inside the box. Either a plastic liner would be in the box between the one pound pouches and box or each of the one pound pouches of hazardous material would be placed in plastic bags (and bags secured closed) before being placed inside the box. The package would then be “overpacked” by placement on and shrink-wrapping to a pallet.

Have we correctly interpreted, and do you agree, that the method of packaging and package described in the preceding scenario would be compliant for shipment by highway and is:

- A sift-proof non-DOT Specification closed bulk bin
- Not subject to UN specification or Performance Oriented Packaging
- Not subject to the “overpack” marking requirement due to the “non-DOT specification” status of the package inside

Thank you,

Mike Jennings
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