



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 21 2017

Mr. Larry Nielsen
Safety and Compliance Manager
Pioneer Tank Lines, Inc.
12501 Hudson Road South
Afton, MN 55001

Reference No. 16-0117

Dear Mr. Nielsen:

This letter is in response to your July 5, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to segregation requirements. Specifically, you seek clarification regarding the segregation requirement for lab packs containing hazardous waste materials under §§ 173.12(e) and 177.848.

We have paraphrased and answered your questions as follows:

- Q1. You ask for confirmation of your understanding that the requirements for lab packs in § 173.12(e) are contradictory as they relate to the segregation requirements in § 177.848(d) for those materials designated with an "O" in the Segregation Table.
- A1. Your understanding is incorrect. According to § 173.12(e), a hazardous waste material that is not blocked and braced during transportation would be subject to the segregation requirements in § 177.848(d). Overpack of this material is not specifically required. If you choose to package this material in such a manner, you will have to comply with the overpack requirements in § 173.25, in addition to the package handling requirements of § 173.12(e). Further, the conditions and limitations of § 173.12(e) do not provide an allowance for consolidation on a single pallet. The requirements expressly state that the materials must be separated from incompatible materials by a minimum of four (4) feet.
- Q2. You ask if lab packs containing sufficient quantities of chemically-compatible absorbent material, in accordance with § 173.12(b)(2)(i), that are used to prevent commingling of liquid content will satisfy the segregation requirements in § 177.848(e)(3).

A2. The answer is no. This manner of packaging is not sufficient because preventing the commingling of materials cannot be assured if the package were to fail under conditions normally incident to transportation.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

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

Nichels
§ 173.12, 177.848
Packaging General
16-0117

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Tuesday, July 05, 2016 5:19 PM
To: Hazmat Interps
Subject: FW: Request for interpretation

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Nielsen spoke with Shelby.

Please let me know if you have any questions.

Thanks,
Jordan

From: Larry Nielsen [<mailto:larryn@pioneertanklines.com>]
Sent: Tuesday, July 05, 2016 3:16 PM
To: INFOCNTR (PHMSA)
Subject: Request for interpretation

I am requesting interpretation of the regulations for segregation of hazardous materials contained in lab packs subject to exceptions contained in 173.12. More specifically, I am addressing only those hazard classes or divisions restricted by the letter "O" in the Segregation Table in 177.848 as there are further restrictions and requirements for those materials designated by an "X" in the Table. I would like to address two different points regarding the same question.

Point 1:

173.12(e) reads in part: "Waste materials packaged according paragraph (b) of this section and transported in accordance with paragraph (e) of this section are not subject to the segregation requirements in 177.848(d) *if blocked and braced in such a manner that they are separated from incompatible materials by a minimum horizontal distance of 1.2 m(4 feet) and the packages are loaded at least 100mm (4 inches) off the floor of the freight container*". (Italics added for clarity)

It seems to me that these two parts of the same paragraph contradict each other. On one hand, the first part would allow for an exception to the segregation rules which would allow lab packs of classes or divisions designated by the letter "O" in the Table to be loaded together on a single shrink wrapped pallet as an overpack. The second part (in italics) seems to suggest even greater restrictions, not only requiring separation by at least 4 feet, but including the necessity of loading the lab packs at least 4 inches off the floor.

Point 2:

173.12(b)(2)(i) reads in part: "Inner packagings containing liquid must be surrounded by a chemically compatible absorbent material in sufficient quantity to absorb the total liquid contents".

177.848(e)(3) reads in part: "The letter "O" in the Table indicates that these materials may not be loaded, transported, or stored together in the same transport vehicle or storage facility during the course of transportation unless separated in a manner that, in the event of leakage from packages under conditions normally incident to transportation, commingling of hazardous materials would not occur".

Since the container of liquid hazardous material in a lab pack must be surrounded by an absorbent in a sufficient quantity to absorb the total liquid content, thus preventing the commingling of such liquid content, does this satisfy the requirements of 177.848(e)(3) for segregation?

Thank you,

Larry Nielsen
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