



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

[Docket No. HM-4; Amdt. No. 67-1]

PARTS 171-190—HAZARDOUS MATERIALS REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION

Miscellaneous Restrictions Against Loading and Transporting Class B Poisonous Liquids or Solids With Foodstuffs

There have been several recent instances of food poisoning attributed to the consumption of food which had become contaminated by a poisonous insecticide or pesticide during the course of transportation. The poisons involved were liquids or solids, of the types defined and described as class B in section 173.343 of the Hazardous Materials Regulations of this Department. These incidents have caused the death of several persons. While none of the incidents occurred in the United States, there has been, within the past year, a number of container leakages, adverse handling experiences, and motor vehicle accidents involving shipments of poisonous liquids or solids, class B. Therefore, it is possible for the conditions which caused the deaths in other countries to arise in this country.

Investigations of the leakages and other accidents in the United States have not yet developed all of the information which would indicate conclusively the need for a change in the specification packaging requirements for poisons. However, a review of all of the incidents concerned clearly shows that there is good cause to restrict mixed shipments of poisonous liquids or solids, class B, and foodstuffs, feeds, and other materials intended for consumption by humans or animals, which are not packaged in air tight nonpermeable containers to minimize the possibility of food poisoning that could be caused by inadvertent contamination during transportation. Also, because of the multiple uses of transportation equipment, it is considered necessary to place a restriction on the reuse of transportation equipment which has been contaminated by the leakage of poisonous liquids or solids, class B, until the contamination has been removed, to preclude injury to transportation personnel and contamination of subsequent shipments.

As a situation exists which demands immediate adoption of this regulation in the interests of public safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, the Hazardous Materials Regulations of the Department of Transportation (14 CFR Part 103 and 49 CFR 171-190) are hereby amended as follows, effective January 10, 1968.

1. Section 174.532 of 49 CFR, is amended by adding the following new paragraph at the end thereof:

§ 174.532 Loading other dangerous articles.

(m) Poisonous liquids or solids, class B, must not be transported in the same car with any foodstuffs, feeds, or any other material intended for consumption by humans or animals which are not packaged in air tight nonpermeable containers.

2. Section 174.566(a) of 49 CFR, is amended by adding the following new subparagraph at the end thereof:

§ 174.566 Cleaning cars.

(a) * * *

(1) Any car which has been used to transport any poisonous liquid or solid, class B, shall be inspected for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the material shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Cars which have been contaminated must not be returned to service until the contamination has been removed. This subparagraph does not apply to any car used solely for transporting poisonous liquids or solids, class B, so long as it is used for that purpose.

§ 174.597 [Amended]

3. Section 174.597(b) of 49 CFR, is amended by inserting the words "organic phosphate compounds," immediately after the words "sodium cyanide."

4. Section 175.655 of 49 CFR is amended by adding the following new paragraphs at the end thereof:

§ 175.655 Protection of packages.

(k) Poisonous liquids or solids, class B, must not be transported in the same car with any foodstuffs, feeds, or any other material intended for consumption by humans or animals which are not packaged in air tight nonpermeable containers.

(l) Any car which has been used to transport any poisonous liquid or solid, class B, shall be inspected for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the material shall be immediately notified for instructions concerning the best method to be employed

for the removal of the contamination. Cars which have been contaminated must not be returned to service until the contamination has been removed.

5. Section 177.841 of 49 CFR, is amended by adding the following new paragraph at the end thereof:

§ 177.841 Poisons.

(e) Poisonous liquids or solids, class B, must not be transported in the same vehicle with any foodstuffs, feeds, or any other material intended for consumption by humans or animals which are not packaged in air tight nonpermeable containers.

6. Section 177.860 of 49 CFR, is amended by amending the heading to read as follows and by adding the following new subparagraph at the end of paragraph (a):

§ 177.860 Accidents or leakage; poisons.

(a) * * *

(1) *Leakage.* Any vehicle which has been used to transport any poisonous liquid or solid, class B, shall be inspected for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the material shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles which have been contaminated must not be returned to service until contamination has been removed. This subparagraph does not apply to any vehicle used solely for transporting poisonous liquids or solids, class B, so long as it is used for that purpose.

(7) Part 103 of 14 CFR, is amended by adding the following new section at the end thereof:

§ 103.35 Special requirements for poisonous liquids or solids, Class B.

(a) No operator of an aircraft may carry materials identified as or known to be poisonous liquids or solids, class B, in the same aircraft with material identified as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals, unless (except for food carried in the cabin, in a separate compartment from the poisonous materials, that is intended for consumption in flight) those foodstuffs, feeds, or other materials are packaged in air tight nonpermeable containers.

(b) No person may operate an aircraft that has been used to transport any material identified as or known to be poisonous liquid or solid, class B, unless, upon removal of the poisonous material, the aircraft is inspected for leakage, spillage, or other contamination and all

contamination is either isolated or removed from the aircraft. The operation of an aircraft contaminated with a class B poison is considered to be the carriage of poisonous materials under paragraph (a) of this section.

(Sec. 831-835, 18 U.S.C., sec. 9, Department of Transportation Act (49 U.S.C. 1657), title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h))

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A. SCHEFFER LANG,
Administrator,
Federal Railroad Administration.

Issued in Washington, D.C., on December 21, 1967.

For the Federal Aviation Administration.

SAM SCHNEIDER,
Board Member.

Issued in Washington, D.C., on December 21, 1967.

LOWELL K. BRIDWELL,
Administrator,
Federal Highway Administration.

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