



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

JAN 30 1998

Mr. Jerry D. Davis  
Manger, Corporate Transportation Programs  
Laidlaw Environmental Services, Inc.  
P.O. Box 11393  
Columbia, SC 29211

Dear Mr. Davis:

This is in response to your letter of January 5, 1998, regarding packaging requirements for Class 9 hazardous materials under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically you ask whether a shipper may place ten cubic yards of Hazardous waste, solid, n.o.s., 9, NA 3077, III with several non-bulk packages containing Asbestos, 9, NA2212, III in a non-specification sift-proof closed bulk bin.

The answer is yes. As provided in § 173.240, a non-specification closed bulk bin is an authorized bulk packaging for both of the described Class 9 materials. The fact that the asbestos is already packaged in bags is not relevant to this scenario.

I hope this information is helpful.

Sincerely,

Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards



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400 Seventh Street, S.W.  
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Manger, Corporate Transportation Programs  
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Dear Mr. Davis:

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The answer is yes. As provided in § 173.240, a non-specification closed bulk bin is an authorized bulk packaging for both of the described Class 9 materials. The fact that the asbestos is already packaged in bags is not relevant to this scenario.

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A handwritten signature in cursive script that reads "Delmer F. Billings".

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Chief, Regulations Development  
Office of Hazardous Materials Standards



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NOV 7 1997

Mr. Jerry D. Davis  
Manger, Corporate Transportation Programs  
Laidlaw Environmental Services, Inc.  
P.O. Box 11393  
Columbia, SC 29211

Dear Mr. Davis:

This is in response to your letter of October 24, 1997 regarding classification and transportation of rags containing flammable liquid under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Your questions are paraphrased and answered as follows:

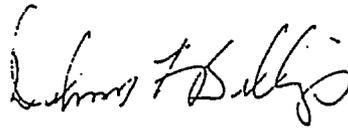
- Q. Can "Solids containing flammable liquid, n.o.s., 4.1, UN 3175, PG II" be used to describe these rags as long as there are no free liquids visible at the time of transportation?
- A. Yes. See special provision 47.
- Q. Is it permissible to put rags containing flammable liquid in plastic bags and fiberboard boxes and to transport the plastic bags and fiberboard boxes in a "sift-proof" closed vehicle (i.e., van trailers) under § 173.240?
- A. Yes, provided the packagings are compatible with the lading as required by § 173.24(e).
- Q. May this same material be transported in "sift-proof" roll-off containers and dump trailers?
- A. Yes, as provided by § 173.240 sift-proof non-DOT specification closed bulk bins and sift-proof closed vehicles are authorized for transportation..
- Q. What is the definition of sift-proof?
- A. A sift-proof packaging is one that is constructed so that its contents cannot pass through.
- Q. Has there been any interfacing between the Occupational Safety and Health Administration (OSHA) and DOT on the transportation of rags containing flammable liquid? Does RSPA's regulations take precedence during transportation?

173.240

- A. Differences in OSHA and DOT requirements are due to the fact that the two agencies have separate mandates to regulate hazardous materials. RSPA is required to regulate materials in transportation that may pose an unreasonable risk to health and safety or property. OSHA is required to regulate hazardous chemicals that pose a physical or health hazard, but not a property hazard. OSHA requirements apply to storage of a hazardous material in a workplace. DOT requirements apply during transportation of a hazardous material including loading and unloading. DOT requirements definitely take precedence during transportation.
- Q. Does RSPA have any safety measures that can be used to prevent a spontaneous combustion from occurring when rags containing flammable liquid are transported in plastic bags, fiberboard boxes, roll-off containers, and dump trailers?
- A. No, the HMR provide safety measures for the safe transportation of a hazardous material, but not how to prevent that material from posing a hazard.

I hope this information is helpful.

Sincerely,



Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards



LaValle  
~~File Part 173~~  
SC: 300, 350  
173.240

VIA FACSIMILE TRANSMISSION

January 5, 1998

Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 Seventh Street, Southwest  
Washington, DC 20590

Dear Mr. Billings:

Laidlaw Environmental Services, Inc. is seeking guidance on the transportation of two Class 9 materials. Our situation and question are as follows:

Suppose a shipper puts ten cubic yards of a material in a twenty cubic yard roll-off container (sift-proof closed bulk bin). The basic shipping description of this material is "Hazardous waste solid, n.o.s., 9, NA 3077, PG III." The shipper also wants to put several non-bulk packages that contain a material described as "Asbestos, 9, NA 2212, PG III" in the roll-off container. Both materials are chemically compatible with each other. Is it permissible under the Hazardous Materials Regulations to transport both materials in the roll-off container?

Your immediate response is greatly appreciated.

Give me a call at (803) 933-4379 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Jerry D. Davis".

Jerry D. Davis  
Manager, Corporate Transportation Programs