



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB -5 2001

Mr. Jan Kochansky
Research Chemist
Bee Research Laboratory, Bldg. 476
10300 Baltimore Avenue
Beltsville, MD 20705-2350

Reference No.: 00-0361

Dear Mr. Kochansky:

This is in response to your December 18, 2000 letter requesting clarification on the procedures for testing compatibility and rate of permeation in plastic packagings. Specifically, you asked whether you may combine parts of the three test methods outlined in 49 CFR, Part 173, Appendix B.

Section 173.24(e) requires that plastic packagings used for liquid hazardous materials be capable of withstanding without failure the procedure specified in Appendix B to Part 173. The procedure must be performed on all packagings used to transport liquid hazardous materials in Packing Group I. However, for Packing Group II and III materials, capability to withstand this test can be demonstrated through previous handling and transportation experience or design specification.

Section 173.24(e)(3)(iii) permits alternative procedures to determine compatibility and permeation rate if they yield a level of safety equal to or greater than provided by paragraph (e)(3)(ii) and are approved by the Associate Administrator for Hazardous Materials Safety. The procedures for submitting an application for approval are prescribed in 49 CFR 107.705.

I hope this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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United States
Department of
Agriculture

Agricultural
Research
Service

Beltsville Area
Beltsville Agricultural
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Beltsville, Maryland
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Part 173
Appendix B
Applicability
00-0361

December 18, 2000

Associate Administrator for Hazardous Materials Safety
Att: Standards DHM-10
United States Department of Transportation
Washington, DC 20590

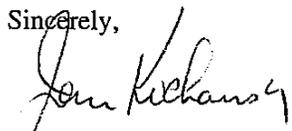
Dear Sir:

We are doing work to assist a licensee of a USDA patent on use of formic acid gel for control of parasitic mites of honey bees. The previously-produced packaging, a heat sealed plastic laminate pouch containing 200 grams of gel was classed as ORM-D. It was withdrawn from production because it proved to have insufficient storage life due to delamination of the plastic film.

We are currently testing screw-cap plastic jars, but have a question about the requirements of 49 CFR 173 Appendix B for determination of compatibility and permeation rate of plastic packagings. Would it be permissible to combine parts of the three test methods? Specifically, could the first and last 24 hours (container inverted) of the test be run at room temperature with the specified period upright at one of the specified higher temperatures (50 or 60°C)? For example, 24 hours inverted at 25°C, 14 days upright at 60°C, then 24 hours inverted at 25°. The gel has a tendency to leak out of the inverted container at 60°C but does not do so at 25°C. The product will be shipped, stored, and used at nominal room temperature—we are only using 60°C to shorten the total duration of the test in order to expedite container selection and testing.

If this modification is not permissible, please advise on the procedure for requesting an exemption.

Sincerely,


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