



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

FEB 19 2009

Mr. Scott Bischoff
High Q LLC
314 Fort Cherry Road
McDonald, PA 15057

Ref. No. 08-0223

Dear Mr. Bischoff:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the testing of packagings containing hazardous materials that will be transported in accordance with the small quantity exceptions under § 173.4. Specifically, you ask whether any size container may be used for small quantities of hazardous materials provided the maximum allowable quantity (1 oz) of hazardous material is not exceeded. You also ask whether the testing of the packages must be performed with the maximum allowed quantity of material, 30g (1 oz.) for solids and 30mL (1 oz.) for liquids, or whether the packaging must be filled to 95 percent capacity for solids and 98 percent capacity for liquids.

For packagings used to transport hazardous materials in accordance with the small quantity exceptions, you are correct that any size container may be used provided the hazardous material in each inner receptacle does not exceed one oz. Cushioning and absorbent material that is capable of absorbing the entire contents of the package and that will not react chemically with the hazardous material must surround either each inner packaging or the inside of the outer packaging. The inner packagings must not be liquid full at 55 °C (131 °F) and must have removable closures held securely in place with wire, tape, or other positive means.

With respect to the drop and compression load tests, except for bags containing solids, either quantity of material may be used. Section 178.602(b) specifies that for the drop and stacking tests, inner and single-unit receptacles other than bags must be filled to not less than 95% of maximum capacity (see §171.8 of this subchapter) in the case of solids and not less than 98% of maximum in the case of liquids. Bags containing solids must be filled to the maximum mass at which they may be used. The exception in § 173.4 for small quantities requires the

completed package, as demonstrated by prototype testing, to be capable of sustaining drop and compressive load tests. The performance standard is a capability standard which must be demonstrated by prototype testing as required by § 178.4(a)(6).

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', written in a cursive style.

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



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McIntyre
§173.4
Small Quantity Exceptions
08-0223

August 20, 2008

US Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Sirs:

I am writing to request a formal interpretation of Section 173.4 of the 49 CFR regarding the small quantity exception. The regulations appear to be written to allow for the use of any size container as long as the maximum quantity of material is not exceeded.

If this is correct then my question is how should the container be filled for testing purposes? Should the testing be performed with the maximum quantity of material that can be shipped (30ml for liquids or 30g for solids) or does the container need to be filled to 98% capacity for liquids or 95% capacity for solids?

For example, if the package is intended for liquids and consists of a fiberboard box containing a HDPE bottle with a maximum fill capacity of 1 liter, would the testing be done with 30ml of liquid inside the bottle or would it need to be filled with 0.98 liters?

Thank You,
Scott Bischoff

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