



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Ave., S.E.  
Washington, DC 20590

DEC 11 2008

Ms. Marguerite Busch  
PAML  
Chief Compliance Officer  
110 W. Cliff Avenue  
Spokane, WA 99204

Ref. No. 08-0276

Dear Ms. Busch:

This responds to your October 30, 2008 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a petri dish covered with and sealed to a lid with watertight tape or parafilm that is placed in a leakproof plastic bag meets the criteria for a primary packaging under § 173.199 of the HMR.

The answer is yes. A primary or secondary Category B infectious substance (Division 6.2) packaging may consist of more than one packaging material or container provided the completed packaging and its components conform to the requirements prescribed in § 173.199 that apply to the materials they contain. In accordance with § 173.199, the completed packaging must be a triple packaging consisting of a primary receptacle, a secondary packaging, and a rigid outer package. For liquid Category B infectious substances, both the primary and secondary packaging must be leakproof. For solid Category B infectious substances, both the primary and secondary packagings must be siftproof. In addition, a § 173.199 package must be capable of successfully passing the drop tests prescribed in paragraphs (d) and (h) of § 178.609 at a drop height of at least 1.2 meters (3.9 feet). Capability may be demonstrated using a number of methods, including actual previous handling and transportation experience, design specification, or, even though not required, performance testing. Also, please note that under certain transportation conditions the petri dish may meet the HMR's definition of a sharp (see § 173.134(a)(6)). Care should be taken to ensure the dishes will not cut or otherwise damage the secondary or outer packaging.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards

**Drakeford, Carolyn <PHMSA>**

**From:** INFOCNTR <PHMSA>  
**Sent:** Thursday, October 30, 2008 4:04 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Request for interpretation sent 10/15/2008  
**Attachments:** Request for Interpretation 10.2008.pdf

Boothe  
§ 173.199  
Infectious Substances  
08-0276

**From:** Busch, Marguerite [mailto:mbusch@PAML.com]  
**Sent:** Thursday, October 30, 2008 1:15 PM  
**To:** INFOCNTR <PHMSA>  
**Subject:** Request for interpretation sent 10/15/2008

Is there a way to know the status of this request for interpretation (see attached response from the DOT website)?

<<Request for Interpretation 10.2008.pdf>>

Thank you.

Marguerite Busch

PAML

Chief Compliance Officer

110 W. Cliff Avenue

Spokane, WA 99204

509-755-8799

[mbusch@paml.com](mailto:mbusch@paml.com)

DISCLAIMER:

Information contained in this message may be privileged and confidential. If the reader of this message is not the intended recipient, be notified that any dissemination, distribution or copying of this communication is strictly prohibited. If this communication is received in error, please notify the sender immediately by replying to the message and deleting from your computer. Thank you.

## Your Response Has Successfully Been Sent

The following was submitted to [infocntr@dot.gov](mailto:infocntr@dot.gov) on Wednesday, October 15, 2008 at 14:53:40.

Boothe  
§ 173.199  
Infectious Substances  
08-0276

**Category:** Shippers-General Requirements for Shipments and Packagings (Sections 173.1 - 173.476)

**Comments/Question:** Under 49 CFR 173.199, we understand that a verbal interpretation was provided to Washington State Department of Health personnel by Ms. Edmondson of the DOT Standards Office regarding the shipment of petri dishes for microbiology testing. Can a petri dish - with a complete seal around the lid with a watertight tape or parafilm - then placed in a leakproof plastic bag, be acceptable. Ms. Edmondson was reported to have said that the regulation was never intended to mean that primary containers must be manufactured to be leakproof or siftproof but that it can be rendered leakproof by means of the tape or parafilm. I am requesting a written interpretation before we change our standing protocols. The article in question can be seen at [http://www.doh.wa.gov/hsqa/fsl/Documents/LQA\\_Docs/August08.pdf](http://www.doh.wa.gov/hsqa/fsl/Documents/LQA_Docs/August08.pdf). Thank you.  
**Email:** [mbusch@paml.com](mailto:mbusch@paml.com)

**Phone:** 509-755-8799

[HAZMAT Home Page](#) | [Search](#) | [Table of Contents](#)