



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

DEC 11 2015

Andrew N. Romach  
Regulatory Compliance Manager  
AECOM  
1600 Perimeter Park Drive  
Morrisville, NC 27560

Ref. No. 15-0168

Dear Mr. Romach:

This responds to your August 10, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of a bulk packaging as it relates to a solid material. In your email, you describe a non-specification packaging that can accommodate a maximum net mass greater than 400 kg (882 lbs) and has a maximum capacity less than 450 L (119 gallons). You ask whether it meets the definition of bulk packaging or non-bulk packaging.

In accordance with § 171.8, the definition of a bulk packaging is a packaging with a “maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid.” Conversely, the definition of a non-bulk packaging is a packaging with a “maximum net mass of 400 kg (882 pounds) or less and a maximum capacity of 450 L (119 gallons) or less as a receptacle for a solid.” Based on a strict reading of each of these definitions, your packaging would meet neither of these definitions; however, it is the opinion of this Office that the packaging you describe would be considered a bulk packaging.

On October 1, 1992, PHMSA’s predecessor agency, the Research and Special Programs Administration (RSPA) published a final rule in Docket No. HM-181 (57 FR 45446) to correct editorial errors and make minor regulatory changes to the December 21, 1990 and December 20, 1991 final rules under Docket No. HM-181. This final rule re-defined a “bulk packaging” from a packaging with a net mass greater than 400 kg *or* maximum capacity greater than 450 L, to a packaging with a net mass greater than 400 kg *and* a maximum capacity greater than 450 L. This revision created the possibility for a packaging to be unable to meet the definition of a bulk or non-bulk packaging. This was not our intention; therefore,

it is our opinion that a "bulk packaging" means a packaging which has either a maximum net mass greater than 400 kg (882 pounds) or a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

*Ciccarone*  
*§173.240(c)*  
*Bulk Packaging*  
*15-0168*

**Dodd, Alice (PHMSA)**

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**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Monday, August 10, 2015 3:55 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for written DOT interpretation  
**Attachments:** DOT interpr def of bulk nonbulk 08102015.pdf

Dear Shante and Alice,

Attached is a request for a formal letter of interpretation.

Thanks,  
Shelby

**From:** Norris, Carolyn [<mailto:carolyn.norris@aecom.com>]  
**Sent:** Monday, August 10, 2015 1:44 PM  
**To:** PHMSA HM InfoCenter  
**Cc:** Romach, Andy  
**Subject:** Request for written DOT interpretation

Dear Infocenter,

I have attached a request for a written DOT interpretation. Please let me know if you have any questions.

Thank you in advance for your assistance.

Thanks,

Carolyn Norris, DGSA  
Senior Project Scientist/Project Manager, EHS Department  
D 1-919-461-1238 F 1-919-461-1371  
[Carolyn.norris@aecom.com](mailto:Carolyn.norris@aecom.com)

**AECOM**  
1600 Perimeter Park Drive, Suite 400, Morrisville, North Carolina 27560  
T 1-919-461-1100 F 1-919-461-1400  
[www.aecom.com](http://www.aecom.com)



August 10, 2015

Mr. Charles Betts, Division Director  
Standards and Rulemaking (PHH-10)  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, 2nd Floor  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Mr. Betts:

I am writing to request a Department of Transportation (DOT) written interpretation concerning the correct assignment of "bulk packaging" or "non-bulk packaging" when shipping a medium hazard solid PGII material.

The following definitions are listed in 49 CFR 171.8:

"bulk packaging" has:

*(2) A maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid;*

"non-bulk packaging" has:

*(2) A maximum net mass of 400 kg (882 pounds) or less and a maximum capacity of 450 L (119 gallons) or less as a receptacle for a solid;*

*[Emphasis added.]*

Based on the above-listed definitions, a hazardous material would be required to meet **both** the net mass and maximum capacity criteria to qualify as either a bulk packaging **or** a non-bulk packaging.

We would like to ship a medium hazard PGII solid hazardous material, which has a net mass in excess of 882 pounds, yet the material is collected and contained in a receptacle that has a maximum capacity less than 450 liters. Based on the definitions listed above, this hazardous material meets neither the definition of "bulk packaging" nor "non-bulk packaging".

We understand that non-bulk packaging rated to a UN specification must meet both the net mass and the maximum capacity criteria as set out in the non-bulk packaging UN specification section 49 CFR 178 Subpart L; for example: For a steel drum, the net mass and maximum capacity limits are listed in 49 CFR 178.505(a)(6) & (7).

In our case, the net mass of this hazardous material is greater than 882 pounds; however, the capacity of the receptacle that it is contained in is less than 119 gallons. Both the net mass and the maximum capacity must be met to meet the definition of a non-bulk packaging. As this hazardous material does not meet the criteria for a non-bulk packaging, and does not meet the criteria for a bulk packaging either, we



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would like to know if the hazardous material can be shipped following the bulk packaging requirements in 49 CFR 173.240(c).

The receptacle in which we collect this material is a non-specification strong metal container, that meets the requirements of a sift-proof, closed bin in 49 CFR 173.240 and can accommodate the heavy weight of this material, which is about 1,200 pounds; however, the capacity of this packaging is less than 100 gallons.

Could we consider our receptacle as a sift-proof, closed bulk bin as described in 49 CFR 173.240(c)?

I appreciate your assistance with these questions.

Sincerely,

Andrew N. Romach  
Regulatory Compliance Manager  
AECOM