



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration
SEP 3 2009

1200 New Jersey Ave., SE
Washington, DC 20590

Mr. Charles R. Todd
California Department of Fish and Game
2005 Nimbus Road
Rancho Cordova, CA 95670

Ref. No. 09-0175

Dear Mr. Todd:

This responds to your June 20, 2009 letter requesting clarification of authorized packaging for small quantities of hazardous materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether hazardous material wrapped in aluminum foil and placed in plastic bags is an acceptable method of packaging under the small quantities exceptions in § 173.4; and whether there are alternatives to these exceptions.

According to your letter, your agency ships, by highway and air, samples of bird feathers contaminated with oil to laboratories for analysis. You indicate the types of oil found on the feathers meet the definition of Class 3 flammable liquids in Packing Group III. For evidence collection purposes, the samples are wrapped in aluminum foil and placed in plastic bags.

The packaging method described in your letter and illustrated in the photographs enclosed with your letter does not conform to the packaging authorized under § 173.4. You should be aware that these small quantities exceptions are limited to domestic transportation by highway and rail. Small quantities of hazardous materials shipped by air may be eligible for exceptions under §§ 173.4a (excepted quantities) or 173.4b (de minimus exceptions). However, although a residue of oil remains on the bird feathers, it is the opinion of this Office that the packaging method used for shipment of the bird feathers is sufficient to mitigate the minimal hazard present during the course of transportation. Therefore, provided there is no free liquid in the plastic bag, or there is sufficient absorbent material in the outer packaging to absorb any release of free liquid from the plastic bag, shipments of the bird feathers with surface residues of oil using the packaging method described in your letter and illustrated in the photographs are not subject to the HMR.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

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

Charles R. Todd
Calif. Dept. of Fish and Game
2005 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-4395

July 20, 2009

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Applicability
09-0175

U. S. DOT

PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, D.C. 20590-0001

Dear Sirs,

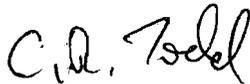
The Calif. Dept. of Fish and Game is responsible for all state waters and we respond to pollution incidents that affect them. We have personnel who are trained on a recurrent basis in ground and air hazardous material shipping. When we have evidence samples to ship we will either ship them per the regulations or deliver them personally.

On occasion evidence in the form of oiled bird feathers needs to be sent to laboratories for analysis. For evidence collection, the oiled feathers are wrapped in aluminum foil and placed in a plastic bag. Enclosed are photographs of a feather sample and its packaging. The coin in the photos is a quarter for scale.

The oil on the feathers is normally a crude oil or bunker C from a ship. Both are considered flammable (Packing Group III) per the regulations. I realize we can ship the samples using the small quantity exception. My question is can we ship the feather samples in the aluminum foil and plastic as shown or do we need to place the samples in a jar made of glass or thick plastic? For such a small quantity are there other exceptions in the regulations that would apply?

I will appreciate any information you can give me regarding my questions.

Yours truly,



C. R. Todd

