



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

**AUG 06 2012**

Tom Forbes  
Public Utilities Commission of Ohio  
Transportation Department  
180 East Broad Street  
Columbus, Ohio 43215

Reference No.: 12-0122

Dear Mr. Forbes:

This responds to your May 23, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to reportable quantities (RQ) of hazardous materials. You state that you ship 24 one-pound pouches of Calcium Hypochlorite as a consumer commodity. You ask whether the amount of Calcium Hypochlorite in each individual pouch or the amount contained in the entire outer packaging is to be used in determining whether a RQ is met.

As prescribed in § 171.8, a hazardous substance is defined as a substance listed in Appendix A of § 172.101 and in a quantity, in one package, which equals or exceeds the RQ listed in Appendix A to § 172.101. A package or outside package is also defined as a packaging plus its contents. Further, a combination package is defined as one or more inner packagings secured in a non-bulk outer packaging. Based on the information, pictures, and supporting information provided in your letter, it is the opinion of this Office that the pouches of Calcium Hypochlorite are inner packagings of a combination package thus making the entire package subject to the RQ for Calcium Hypochlorite.

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

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, May 24, 2012 4:55 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: HM RQ Question  
**Attachments:** 1.JPG; 2.JPG

Andrews  
8173.152 (c)  
8172.101  
Exceptions  
12-0122

Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

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**From:** Forbes, Tom [<mailto:Tom.Forbes@puc.state.oh.us>]  
**Sent:** Wednesday, May 23, 2012 9:39 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** HM RQ Question

Dear Sir or Madame:

I am requesting a written interpretation/clarification on the RQ requirements under the Hazardous Materials Regulations (HMR 49 CFR Parts 171-180).

The situation at hand is a carrier is transporting Calcium Hypochlorite that has been reclassified as a Consumer Commodity ORM-D as permitted by 173.152(c). The outer package contains 24 - 1 pound pouches of Calcium Hypochlorite for swimming pool treatment. The pouches are in a strong outer package as required. The total weight is 1 pound of Calcium Hypochlorite per pouch or 24 pounds of Calcium Hypochlorite per strong outer package. The RQ for Calcium Hypochlorite is 10 pounds. The definition for hazardous substance states two conditions must be met 1) Is listed in the Appendix A to 172.101 of this subchapter and 2) Is in a quantity, in one package, which equals or exceeds the RQ listed in appendix A.

In determining what is meant by "in one package" I have reviewed the definition of package which also reference outer package and packaging. I am unsure what is meant by the phrase in one package. Is it referencing the individual 1 pound pouches which do not meet the RQ or is it referencing the strong outer package which would meet the RQ?

Photos of the pouches and strong outer package are attached.

Thank you for your assistance on this matter.

**Tom Forbes**

Public Utilities Commission of Ohio  
Transportation Department  
Hazardous Materails Specialist  
(614) 644-0296  
[PUCO.ohio.gov](http://PUCO.ohio.gov)



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

CONSUMER COMMODITY

**ORM-D**

FOR CHEMICAL EMERGENCY, SPILL, LEAK,  
FIRE, EXPOSURE, OR ACCIDENT CALL:  
CHEMTREC 1-800-424-9300

**RQ (CALCIUM HYPOCHLORITE)**



**71428**

GLB SUPER CHARGE 24X1LB



1 07 85336 71428 5

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**ORM-D**

**RQ (CALCIUM HYPOCHLORITE)**

FOR CHEMICAL EMERGENCY, SPILL, LEAK,  
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CHEMTREC 1-800-424-9300

S H O C K

# GLB

P O L Y C A R E

## Super Charge

**SUPER CHLORINATION FOR POOLS - KILLS BACTERIA, DESTROYS ORGANIC WASTE AND CONTROLS ALGAE**



**NET WT 1LB - 454G**

*Sold by weight, not volume*

**ACTIVE INGREDIENT:**

Calcium Hypochlorite . . . . . 65%

**INERT INGREDIENTS:** . . . . . 35%

**DANGER:** See other precautions and First Aid on the back panel.

**KEEP OUT OF REACH OF CHILDREN**