



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 9, 2024

Stefanie Yarbrough
Sr Manager, Strategic Initiatives
Entegris, Inc.
700 Jeffrey Way, Suite 400
Round Rock, TX 78664

Reference No. 24-0053

Dear Mrs. Yarbrough:

This letter is in response to your June 6, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to empty packagings. In your email, you provide a scenario where your company is shipping a hazardous material in 55-gallon drums. The hazardous material contents of the drums are removed to the maximum extent practicable, but the drums are not cleaned, refilled, or purged of any vapors. Specifically, you ask for clarification of the provisions to allow packagings with residue to be shipped as empty packagings, as specified in § 173.29(b).

We have paraphrased and answered your questions as follows:

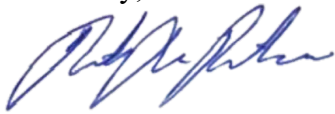
- Q1. You ask whether all the conditions listed in § 173.29(b)(2) have to be met in order to ship the drums as empty packagings.
- A1. The answer is no. The conditions of § 173.29(b)(2) are independent of one another, as identified by the conjunction “or” connecting § 173.29(b)(2)(iii) and (iv). Please note that whichever condition in § 173.29(b)(2) applies, it is in combination with the provisions of § 173.29(b)(1) and (3).
- Q2. You ask for clarification of the term “unused,” as specified in § 173.29(b)(2)(i), and when a packaging would be considered “unused.”
- A2. The HMR does not define the term “unused” with respect to its use in § 173.29. The word “unused” is defined in a standard dictionary as “has never been used before.” In this context, the term “unused,” as utilized in § 173.29(b)(2)(i), means the package must have never been filled, offered for transportation, or undergone equivalent actions that would render the packaging as “used.”

Q3. You ask whether the drums with residue as described in your email qualify as empty packagings, in accordance with § 173.29.

A3. The answer is no.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Request for Interpretation - Empty Packagings, 49CFR § 173.29
Date: Tuesday, June 18, 2024 2:02:25 PM
Attachments: [Entegris Request for Interpretation Empty Packagings 2024-06-06.pdf](#)

Hello Alice,

See the attached interpretation request. Let us know if you need anything else.

Best,
Aminah

From: Stefanie Yarbrough <stefanie.yarbrough@entegris.com>
Sent: Thursday, June 6, 2024 4:57 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Interpretation - Empty Packagings, 49CFR § 173.29

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir or Madam,

Please see our request for interpretation regarding § 173.29, Empty Packagings.

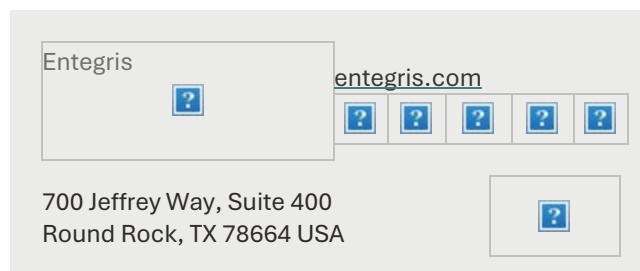
Many thanks in advance for your response.

Best regards

Stefanie Yarbrough

Sr Manager, Strategic Initiatives
Global Supply Chain

T +1 512 244 5284 M +1 512 688 7430



ENTEGRIS PROPRIETARY AND CONFIDENTIAL – INTERNAL

June 6, 2024

Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001
infocntr@dot.gov

Request for Interpretation

Dear Sir or Madam,

Pursuant to 49 CFR §105.20, this letter is being submitted by e-mail to PHMSA to request an interpretation of the Hazard Materials Regulations regarding the use of § 173.29 Empty packagings in the HMR.

Entegris is using material sourced from a US supplier in 55-gallon drums. The material is classified as a class 8, subsidiary division 5.1 material in packing group II. It is not a marine pollutant or a hazardous substance.

After removal of the material from the drums to be used in manufacturing, the drums are returned to the supplier to be cleaned and reused. The contents of the drums are removed to the maximum extent practicable. The drums are not cleaned, refilled, or purged of any vapors.

Per § 173.29 (a), an empty packaging containing only the residue of a hazardous material shall be offered for transportation and transported in the same manner as when it previously contained a greater quantity of that hazardous material.

§ 173.29 (b) contains the provisions that need be conformed with to allow packagings with residue to be shipped as empty packagings.

Question 1: Am I correct in that only one of the conditions listed in § 173.29 (b)(2) would have to be met, and not all of them, to be allowed to ship as an empty packaging?

§ 171.8 states “Residue means the hazardous material remaining in a packaging, including a tank car, after its contents have been unloaded to the maximum extent practicable and before the packaging is either refilled or cleaned of hazardous material and purged to remove any hazardous vapors.”

Question 2: Could PHMSA please explain the condition in § 173.29 (b)(2)(i), which states that the packaging shall be “unused”? The definition of residue in the HMR implies that contents have been unloaded from the packaging, would that constitute “use” of the packaging? Consequently, in which cases would a packaging be considered “unused”?

The definition of “residue” is met in the case of the 55-gallon drums Entegris is using as described above. Material was removed from the drums, they have not been cleaned or purged of vapors, they have not been refilled with a non-hazardous material to nullify the hazard, and the material is neither a limited quantity material, nor a 2.2 non-flammable gas. Any labeling and marking could be removed.

Request for Interpretation

Question 3: Does the 55-gallon drum with residue as described above qualify as empty packaging in the sense of § 173.29?

Entegris greatly appreciates PHMSA's attention to this matter and looks forward to a response that further clarifies our understanding of the hazardous materials regulations.

Should PHMSA require additional details to process this interpretation, please contact me using the information listed below.

Sincerely,



Stefanie Yarbrough
Sr Manager, Strategic Initiatives
Entegris, Inc.
700 Jeffrey Way, Suite 400
Round Rock, TX 78664 USA
Direct Line: (512) 244-5284
Mobile: (512) 688-7430
E-mail: stefanie.yarbrough@entegris.com