



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 14 2017

Ms. Melissa Russell
Thermofisher
4481 Campus Drive
Kalamazoo, MI 49008

Reference No. 11-0165R

Dear Ms. Russell:

This is a revised response to your July 14, 2011 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the term "positive means of closure." Specifically, in your email you asked what is the additional "positive means" of closure requirement to the tape, wire, and shrink-wrap prescribed as examples in the HMR (e.g., §§ 173.4a(e)(2) and 173.27(d)) for a cap that has a tamper-evident seal ("non-backoff" cap). You stated that the tamper-evident cap has a break-away ring such as the cap on a 20-ounce bottle of soda or on a gallon of milk. You also stated that the non-backoff cap locks the closure to a container to avoid unwanted loosening.

The HMR provides a non-exhaustive list of methods of applying a positive means of closure. Upon further review, we agree that the break-away ring closure securement described in your July 14, 2011 email could satisfy the additional or secondary positive means of closure requirements. Thus, we are rescinding and replacing our October 18, 2011 interpretation (11-0165) and apologize for any inconvenience this may have caused.

I hope this information is helpful. Please contact us if you have any further questions.

Sincerely,

Shane Kelley
Acting Director,
Standards and Rulemaking Division

From: Jay Johnson [mailto:jayj@inmarkinc.com]

Sent: Thursday, June 18, 2015 4:34 PM

To: Supko, Ben (PHMSA)

Subject: Positive means of closure.

Hello Ben,

We have a trigger sprayer with matching ratchets to keep the closure permanently attached to the container.

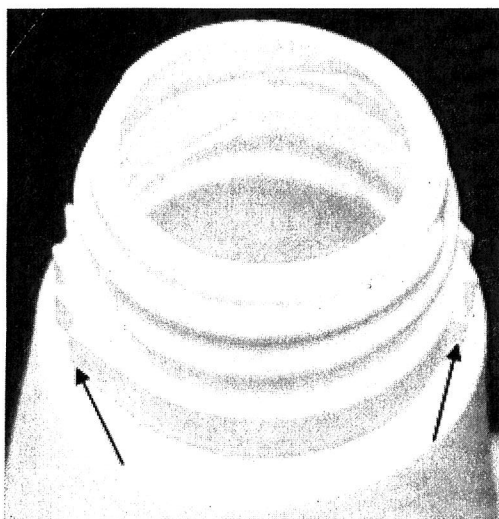
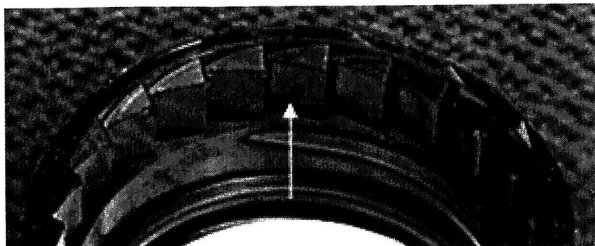


Figure 2A

Would this be considered "positive means of closure"?

I have a FAA inspector that has indicated that more is required and used PHMSA Letter of Interpretation No. 11-0165 as reference.

Your assistance would be greatly appreciated.

Kind Regards,

Jay Johnson, DGSA | Regulatory Compliance Manager



675 Hartman Road, Suite 100 Austell GA 30168

o 770-373-3300 | d 770-373-3356 | m 770-377-0205 | f 770-373-3357 | e jayj@inmarkpackaging.com

Follow us at:



From: INFOCNTR (PHMSA)
Sent: Friday, July 15, 2011 1:40 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 & 173.476)

Hi Carolyn,

This caller requested her e-mail be submitted as a letter of interpretation after speaking with me in the HMIC and being referred to interp letters 04-0011 and 09-0299.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Thursday, July 14, 2011 4:04 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 & 173.476)

Good afternoon Mr. Charles E. Betts,

We are trying to make a determination in regards to 'positive means of closure'. I understand that all closures (mine specifically is a screw-type/threaded) need to be secured in such a way to prevent loosening due to vibration or change in temperature. This can be done w/ tape, wire, shrink wrap, etc.

What is the additional 'positive closure' requirement for a cap that has a tamper evident seal or a cap that is classified as 'non-backoff'. The tamper evident cap has a break-away ring like the cap on a 20oz bottle of soda or on a gallon of milk. The non-backoff cap locks the closure to a container to avoid unwanted loosening.

Please let me know. Thanks in advance!!

Name: Melissa Russell
Email: melissa.russell@thermofisher.com
Phone: 269-544-5632



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

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

OCT 18 2011

Ms. Melissa Russell
Thermofisher
4481 Campus Drive
Kalamazoo, MI 49008

Reference No. 11-0165

Dear Ms. Russell:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the term "positive means of closure." Specifically, you ask what is the additional "positive means" of closure requirement to the tape, wire and shrink-wrap as specified in the HMR (e.g., §§ 173.4a(e)(2) and 173.27(d)) for a cap that has a tamper-evident seal ("non-backoff" cap). You state that the tamper-evident cap has a break-away ring such as the cap on a 20-ounce bottle of soda or on a gallon of milk. You also state that the non-backoff cap locks the closure to a container to avoid unwanted loosening.

In addition to tape, wire and shrink-wrap, the HMR does not specify other methods of a positive means of closure. However, it is the opinion of this Office that the tamper-evident cap you reference does not meet the HMR positive means of closure requirement. To ensure that the closures are held securely in place during transportation, you may wish to contact the packaging manufacturer for additional methods to those given as examples in the HMR.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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