



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 12 2018

Mark Barlar
Wisconsin State Patrol SE Region
21115 East Moreland Boulevard
Waukesha, WI 53186

Reference No. 17-0089

Dear Mr. Barlar:

This letter is in response to your August 15, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to Special Provision 165. You describe a scenario in which 32 pails of "UN2880, Calcium hypochlorite, hydrated mixtures" are shrink-wrapped to two pallets and transported in a 53 ft semi-trailer with no ventilation system. You ask whether the above scenario would be considered "adequately ventilated" in accordance with Special Provision 165.

Published December 20, 2004, the HM-215G final rule (69 FR 76043) added Special Provision 165 to harmonize with the United Nations Recommendations on the Transport of Dangerous Goods. The preamble of the rule states:

Special Provision 165 provides latitude for compliance with the ventilation and ambient heat requirements. Proper ventilation and protection from ambient heat can be achieved during the loading process of the cargo transport units and throughout the transportation cycle by allowing adequate space for air movement around the calcium hypochlorite packages.

The HMR do not necessarily require a ventilation system for a semi-trailer transporting hazardous materials. However, the scenario you describe does not provide enough information to determine whether the trailer is adequately ventilated. Additional factors—to include outside temperature, transportation distance, and space within the trailer—can affect the temperature and ventilation within a trailer. Shippers and carriers should use discretion in complying with this requirement.

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

Sincerely,

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

Dodd, Alice (PHMSA)

Ciccarone
§ 172.101
Special Provisions
17-0089

From: INFOCNTR (PHMSA)
Sent: Friday, August 18, 2017 9:09 AM
To: Hazmat Interps
Subject: FW: Special provision 165 interpretation request

Hi Alice,

Please submit this as a letter of interpretation. Let me know if you have any questions.

Thanks,
Jodi

From: Barlar, Mark - DOT [mailto:Mark.Barlar@dot.wi.gov]
Sent: Thursday, August 17, 2017 1:51 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Special provision 165 interpretation request

Thank you for your quick response. My contact information is below.

Insp. Mark Barlar
WI State Patrol SE Region
21115 East Moreland Blvd
Waukesha, WI 53186
262-785-4700

From: INFOCNTR (PHMSA) [mailto:INFOCNTR.INFOCNTR@dot.gov]
Sent: Wednesday, August 16, 2017 3:15 PM
To: Barlar, Mark - DOT <Mark.Barlar@dot.wi.gov>
Subject: RE: Special provision 165 interpretation request

Dear Mark,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

In order to process your request, please respond to this email with your full contact information (mailing address, telephone number). You may contact the Hazardous Materials Information Center at +1 202-366-4488 with questions.

Please allow a minimum of 8 weeks before contacting the Office of Hazardous Materials Standards (OHMS) for a status on written letters of interpretations. Delivery time of a written interpretation can vary markedly based on topic complexity and the depth of review necessary by OHMS Divisions and modal administrations (e.g., FAA) to ensure an appropriate response.

Sincerely,

Jodi, Hazardous Materials Specialist

From: Barlar, Mark - DOT [<mailto:Mark.Barlar@dot.wi.gov>]
Sent: Tuesday, August 15, 2017 5:19 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Special provision 165 interpretation request

Good afternoon,

I am seeking an interpretation of special provision 165 regarding the last sentence in the provision:

“165. These substances are susceptible to exothermic decomposition at elevated temperatures. Decomposition can be initiated by heat, moisture or by impurities (e.g., powdered metals (iron, manganese, cobalt, magnesium)). During the course of transportation, these substances must be shaded from direct sunlight and all sources of heat and be placed in adequately ventilated areas.”

I am requesting an interpretation on what would constitute “adequately ventilated areas”.

I conducted a CVSA level 2 hazmat inspection on a CMV that was carrying UN2880, calcium hypochlorite hydrated mixtures, 5.1 pg II. There were 32 pails of this material placed on 2 pallets weighing a total of 3,360lbs. The product was being transported in an enclosed 53ft semi-trailer with other non-hazardous products. The pails were shrink wrapped to the pallets and surrounded by the other products in the trailer. There is no ventilation system in the trailer.

Is an enclosed van trailer with no ventilation system considered to be adequately ventilated? Does the shrink wrap or other products being placed around the HM product change what is considered to be adequately ventilated?

Thank you .

Insp. Mark Barlar
WI State Patrol
SE Region
262-785-4700