



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 20 2019

Mr. Paul Dambek  
HAMATEAM, Inc.  
12 Kimball Hill Road  
Hudson, NH 03051-3915

Reference No. 17-0105

Dear Mr. Dambek:

This letter is in response to your September 15, 2017, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to package testing as it relates to U.S. Department of Transportation (DOT) approved United Nations (UN) Third Party Certification Agencies. You note that packages shipped under certain exceptions, such as small quantities (§ 173.4), excepted quantities (§ 173.4a), and limited quantities (§ 173.27(f)(2)), require some degree of testing, to include drop test, compressive load, and/or pressure test.

We have paraphrased and answered your questions as follows:

- Q1: You ask if a third-party package testing facility must be approved by the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to § 107.401 to test packages used for shipping hazardous materials under the exceptions for small quantities, excepted quantities, and limited quantities.
- A1: The answer is no. However, a shipper is responsible for ensuring that any package used to transport a hazardous material in commerce complies with the HMR.
- Q2: You ask for confirmation of your understanding that packages tested under exceptions for small quantities, excepted quantities, and limited quantities do not require preparation and testing under Part 178, Subpart M (Testing of non-bulk packages), provided the exception used does not reference a particular requirement in the subpart. You provide the following example: a fiberboard package shipped under § 173.4 (small quantities exception) would not be subject to the conditioning requirements of § 178.602(d).
- A2: Your understanding is correct. Unless explicitly specified, packages tested under exceptions for small quantities, excepted quantities, and limited quantities would not require preparation in accordance with Part 178, Subpart M of the HMR.
- Q3: The internal pressure testing described in § 173.27(c) is required for many inner containers that do not require UN specification packaging. You ask if this testing may be performed by a third-party package testing facility that is not approved by PHMSA pursuant to § 107.401.

A3: The answer is yes. There is no approval required to test packages in accordance with § 173.27(c). However, a shipper is responsible for ensuring that any package used to transport hazardous materials in commerce complies with the HMR.

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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

Andrews  
§ 107.401  
Applicability  
17-0105

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, September 18, 2017 5:14 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for a letter of interpretation  
**Attachments:** HAZMATEAM Request for letter of interpretation sept 15 2017.pdf

Hi Alice,

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

Thank you,  
Jodi

**From:** paul@hazmateam.com [mailto:paul@hazmateam.com]  
**Sent:** Friday, September 15, 2017 7:39 AM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Cc:** leo@hazmateam.com  
**Subject:** Request for a letter of interpretation

Dear PHMSA:

Please find attached a request for a letter of interpretation concerning package testing.

Please send a reply e-mail acknowledging receipt of this e-mail. If you have questions, please send reply e-mail or call 401-595-8395.

Your assistance is greatly appreciated.

Best regards

HAZMATEAM, INC.

Paul Dambek

# HAZMATEAM



12 Kimball Hill Road  
Hudson, NH 03051-3915  
Telephone: (603) 882-1112  
Fax: (603) 882-6512  
Web site: [www.hazmateam.com](http://www.hazmateam.com)

September 15, 2017

Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
East Building, 2<sup>nd</sup> Floor, Attn: PHH-10  
Washington, DC 20590-0001

Dear Office of Standards and Rulemaking:

I am requesting a letter of interpretation concerning the applicability of Hazardous Materials Regulations (HMR), Subpart E - 49 CFR 107.401 for packages shipped under various exceptions described in the HMR.

Under the Hazardous Materials Regulations, Subpart E - 49 CFR 107.401 an Approval may be granted to an organization or a person to conduct package testing as a DOT Approved UN Third Party Certification Agency. As such an agency, package testing may be conducted for either manufacturers of packagings or for shippers of hazardous materials and a certification made that the packagings are in full compliance with the requirements of the HMR for those package type.

Packages shipped according to the following exceptions are excepted from the Specification Packaging requirements of the HMR, but require some degree of testing, such as a drop, compressive load and/or pressure tests. These exceptions include:

- 173.4; Small Quantities for Highway or Rail
- 173.4a, 173.27(f)(1); Excepted Quantities
- 173.4b; DeMinimus Quantities
- 173.27 (f)(2)(v)-(vii); Limited Quantity
- 173.185 (c); Exceptions for small lithium cells and batteries
- 173.199; Category B Infectious Materials
- 173.421, 173.410; Excepted Packages for limited quantities of Class 7

Please confirm our understanding of the following:

- 1) A third-party package testing facility **does not need to be approved** by PHMSA pursuant to 49 CFR 107.401 if conducting package testing for packages prepared per the aforementioned exceptions.
  
- 2) Packages tested per the aforementioned exceptions **do not require** the preparation and test requirements spelled out in 49 CFR 178 Subpart M, Testing of Non-Bulk Packagings and Packages, unless the exception references a particular Subpart M requirement. For example, paper and fiberboard packages tested per the aforementioned exceptions would not be subject to the conditioning requirements of 49 CFR 178.602 (d).
  
- 3) The internal pressure testing described in 49 CFR 173.27 (c) is required for many inner containers that do not require UN Specification packaging. This testing may be performed by a shipper or 3<sup>rd</sup> Party testing facility that **does not** require PHMSA approval.

If you have questions, do not hesitate to send e-mail to [paul@hazmateam.com](mailto:paul@hazmateam.com) or call 401-595-8395. Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Dambek", followed by a long horizontal line extending to the right.

Paul Dambek, CDGT

Hazardous Materials Trainer and Consultant

cc: Leo Traverse