



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 25 2019

Ben Barrett
DG Advisor, LLC
P.O. Box 248
Dubois, WY 82513

Reference No. 18-0094

Dear Mr. Barrett:

This letter is in response to your June 20, 2018, email and letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of hazardous materials in the same overpack together with materials not meeting the definition of a hazardous material.

We have paraphrased and answered your questions as follows:

Q1. You ask if a non-hazardous material can be placed in an overpack that contains a hazardous material package.

A1. The answer is yes. The HMR do not prescribe requirements or limitations for non-hazardous material packed in an overpack; therefore, there is no prohibition from including hazardous and non hazardous material in an overpack together.

Q2. You ask if the non-hazardous material must be considered when determining the applicability of the placarding exception in § 172.504(c).

A2. The answer is no. The weight of non-hazardous material is not included in the determination of aggregate gross weight of the hazardous material for the purposes of the placarding exception for non-bulk packages found in § 172.504(c).

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

Ciccione
Packaging General
18-0094

January, Ikeya CTR (PHMSA)

From: DerKinderen, Dirk (PHMSA)
Sent: Thursday, June 21, 2018 7:46 AM
To: January, Ikeya CTR (PHMSA)
Cc: Kelley, Shane (PHMSA)
Subject: FW: Interpretation request on overpacks
Attachments: 2018.june.14.overpack.interp.request.pdf

Ikeya,

Please enter into the interp system and assign.

Sincerely
Dirk DerKinderen

From: Ben Barrett [mailto:ben.barrett@dgadvisor.com]
Sent: Wednesday, June 20, 2018 9:54 PM
To: DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>
Cc: Marie-France (Marie) Dagenais <mfdagenais@dgadvisor.com>
Subject: Interpretation request on overpacks

Dirk,

an official request for written interpretation is attached.

Ben Barrett, PE, Consultant
DG Advisor, LLC
Dangerous Goods Regulations Experts
Mobile & Text: +1 (816) 853-3508
Email: ben.barrett@dgadvisor.com

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June 20, 2018

Mr. Dirk Der Kindern
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

Re: Interpretation of requirements for overpacks

Dear Mr. Der Kindern:

In accordance with 49 CFR §105.20, we request a written interpretation on the following. We think the scenarios below are acceptable. Does PHMSA agree?

- Can unpackaged non-hazmat be overpacked with a compliant 172.504 Table 2 hazmat package, and not be in a second outer package? We prefer to place it loose in the overpack next to the hazmat package, and add packing material to protect and immobilize.
- Can the non-hazmat in the above overpack be differentiated on the shipping paper, and not be counted in the gross 1,001 pound placarding exemption in 172.504? What does “aggregate” mean – we think it intends more than one consignment, but it is not defined.

We have illustrated the overpack in the Figure 1 below. A hazardous material package is overpacked with coffee cups, a ball cap and a shirt. All voids are filled with air pillows or other packing material to prevent movement of the contents.

The shipping paper would show all required weights and the gross weight of the hazmat combination packaging(s).

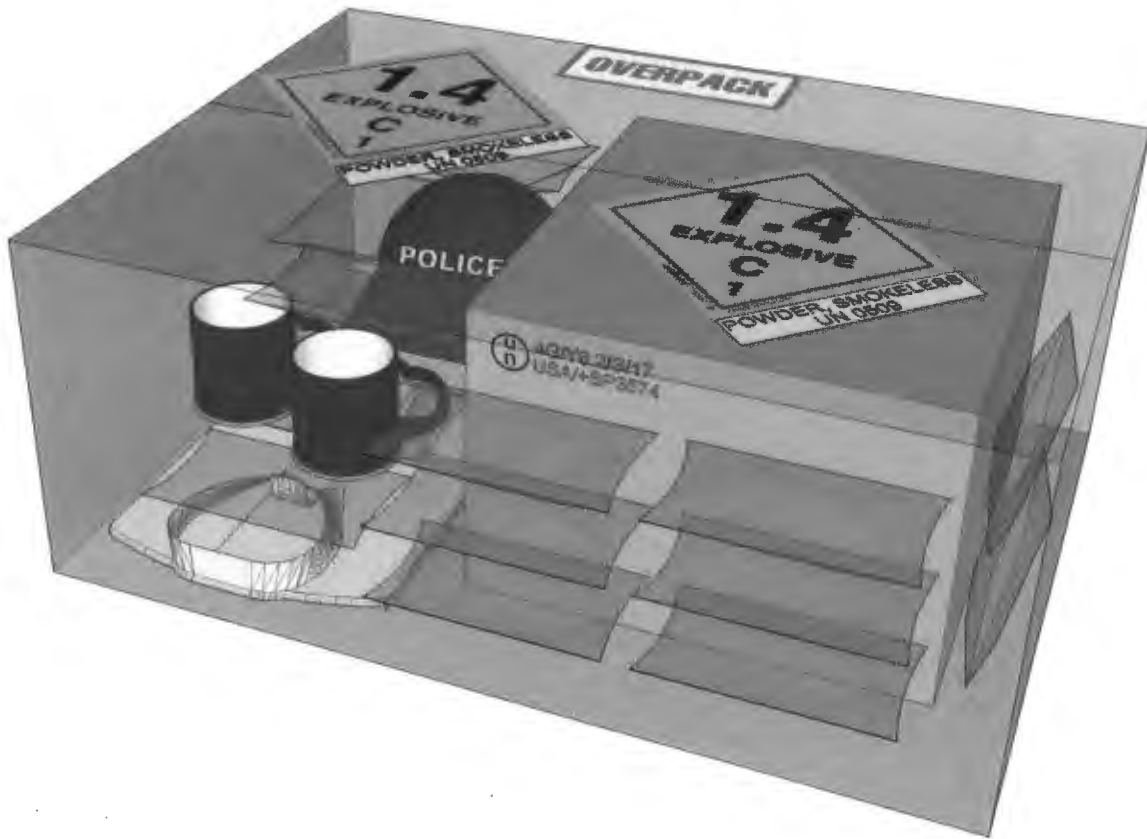


Figure 1: Illustration of hazmat packed in overpack with unpackaged non-hazmat and packing material.

Please let us know if you have any questions. We look forward to receiving your reply.

Sincerely,
DG Advisor, LLC

A handwritten signature in black ink, appearing to read 'Ben Barrett'.

Ben Barrett
President

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