



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**MAR 01 2019**

Brent Olsen  
Senior Safety Advisor  
Thatcher Company  
1905 Fortune Road  
Salt Lake City, UT 84104

Reference No. 18-0140

Dear Mr. Olsen:

This letter is in response to your November 5, 2018, letter and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of Class 8 corrosive material via highway. Specifically, you seek clarification of Special Provision (SP) 386 and § 173.154(b)(2) limited quantity exceptions for Class 8 corrosives.

We have paraphrased and answered your questions as follows:

- Q1. You ask if a sister company that primarily serves your own company—but occasionally transports hazardous materials for other manufacturers—would be considered a “private motor carrier” for the purposes of SP 386.
- A1. The answer is no. Although the HMR do not specifically define “private motor carrier,” this Office has interpreted this term to mean a carrier that transports a business’s own products and does not provide such transportation service to other businesses. Based on the information you provided, we do not consider the sister company to be a “private motor carrier.” (See Letter of Interpretation Ref. No. 13-0068 for additional clarification on this subject.)
- Q2. You ask if SP 386 provides any allowances to ship the authorized Class 8 corrosive liquids in bottles that weigh less than 140 grams.
- A2. The answer is no. SP 386 requires that authorized corrosive liquids be placed in bottles that weigh no less than 140 grams when empty and have a minimum thickness of not less than 0.020 inch (0.508 mm).
- Q3. You ask if “UN1791, Hypochlorite solutions, 8, Packing Group (PG) III,” may be shipped in 1-gallon bottles lighter than 140 grams packaged in high-density polyethylene crates.

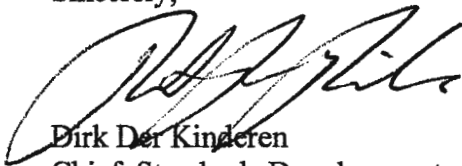
A3. The answer is yes. In accordance with § 173.154(b), Class 8, PG III corrosive materials are excepted from specification packaging when packaged in a combination packaging that meets packaging limits in § 173.154(b)(2). Paragraph (b)(2) places no minimum weight restrictions on the inner packagings.

Q4. You ask if the limited quantity exceptions in § 173.154(b)(2) allow you to ship "UN1791, Hypochlorite solutions, 8, PG III," in 1-gallon bottles lighter than 140 grams in non-specification fiberboard boxes.

A4. The answer is yes. See A3.

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

Sincerely,



Dirk Der Kinderen  
Chief, Standards Development  
Standards and Rulemaking Division

Cardoz

18-0140

11/5/2018

Hazardous Materials Info Center  
Pipeline and Hazardous Materials Safety Administration  
Subject: Request for Interpretation

HM Info Center,

We are a chemical manufacturing and packaging company, and we would appreciate some guidance regarding certain provisions of Special Provision 386 and Subparagraph 173.154(b)(2). All questions are in reference to packaging Hydrochloric acid, PG II and Hypochlorite solutions, PG III, 12.5% for consumer pool use.

**Question #1:** In the opening sentence of SP 386, it states: "*When transported by private motor carrier only*, the following corrosive liquids may be packaged in polyethylene bottles with a capacity no greater than 3.785 liters (one gallon)...."

We have a sister company (Thatcher Transportation, Inc., MC 556486-P) that primarily serves our own chemical plants, but occasionally transports backhauls for other manufacturers. Does this preclude our transportation company from being considered a Private Motor Carrier for the purposes of Special Provision 386?

**Question #2:** In provision b. of Special Provision 386, it states "Each empty bottle must have a minimum weight of not less than 140 grams and a minimum wall thickness of not less than 0.020 inches."

Some of our customers have requested lighter bottles and assure us that "other vendors are packaging their product in lighter bottles". Are we missing anything in this regulation that would allow us to ship in bottles lighter than 140 grams in high-density polyethylene crates?

**Question #3:** Could we package and ship Hypochlorite solutions, PG III, 12.5% in high-density polyethylene crates in one-gallon bottles lighter than 140 grams?

**Question #4:** Would the limited quantity exceptions of 173.154(b)(2) allow us to ship Hypochlorite solutions, PG III, 12.5% in one-gallon bottles lighter than 140 grams in non-specification fiberboard boxes?

Brent L. Olsen  
Senior Safety Advisor  
Thatcher Company  
1905 Fortune Road  
Salt Lake City, UT 84104  
(801)972-4587 X 1354

## **Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, November 06, 2018 2:03 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Interpretation  
**Attachments:** PHMSA - Request for Interpretation.docx

Hello Alice and Ikeya,

Attached is a request for an official letter of interpretation. We discussed the answers to the questions yet the caller still insisted on a letter.

Thanks,

Jonathon

**From:** Brent Olsen [mailto:Brent.Olsen@tchem.com]  
**Sent:** Monday, November 05, 2018 3:02 PM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Subject:** Request for Interpretation

Info Center,

Attached please find our request for guidance on Special Provision 386 (shipping polyethylene bottles in high-density polyethylene crates) and 173.154(b)(2) (Limited Quantity exceptions for Corrosive Materials). Your help is greatly appreciated. Thank you.

**Brent L. Olsen**  
Senior Safety Advisor  
Thatcher Company  
P: 801-972-4590 x 1354 | M: 801-833-5148

*"If we don't get safety right, nothing else matters"*

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