



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAY 30 2019

Mr. Ricky Pruitt  
Distribution Manager  
Zee Company  
307 Garrison Drive  
Cleveland, GA 30528

Reference No. 19-0020

Dear Mr. Pruitt

This letter is in response to your February 18, 2019, letter and subsequent phone conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to empty packagings. Specifically, you state that your company is hauling truckloads of 55 gallon drums and intermediate bulk containers (IBCs) containing the residue of "UN 1760, Corrosive liquids, n.o.s., Class 8, PGIII." You state these packagings are being transported in your company's enclosed van trailers from one company location to another, where they would be reconditioned for future use.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether a shipping paper is required to transport 55 gallon drums containing only the residue of this material.
- A1. The answer is no. Section 173.29(c)(2) states that a non-bulk packaging containing only the residue (see definition of residue in § 171.8) of a hazardous material covered by Table 2 of § 172.504 that is not a material poisonous-by-inhalation or its residue shipped under subsidiary placarding provisions in § 172.505 is not subject to the shipping paper requirements when collected and transported by a contract or private carrier for reconditioning, remanufacture, or reuse. If your company uses its own vehicles, you are considered a private carrier and shipping papers are not required.
- Q2. You ask whether a shipping paper is required to transport 275 and 330 gallon IBCs containing the same residue. In addition, you ask whether the vehicles transporting these IBCs would require placards.
- A2. The answer to both questions is yes. Section 173.29(a) states that in general, an empty packaging containing only the residue of a hazardous material shall be offered for transportation and transported in the same manner as when it previously contained a greater quantity of that hazardous material. There is an exception to placarding

requirements in § 173.29(c)(1) which states that non-bulk packagings that contain only the residue of a Table 2 material from § 172.504 that is also not a material poisonous-by-inhalation or its residue shipped under the subsidiary placarding provisions of § 172.505 do not have to be included in determining the placarding requirements of Subpart F of Part 172. Because 275 and 330 gallon IBCs are bulk packagings, they are not excepted from placarding under § 173.29. Further, the shipping paper exception provided for in answer A1 applies to non-bulk packagings and not bulk packagings.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

173.29  
11-0020



Mr. Edward Mazzullo, Director  
Office Of Hazardous Materials Standards  
U.S. Department Of Transportation  
400 Seventh Street SW  
Washington DC 20590-001

February 18 2019

RE: 173.29

Dear Mr. Mazzullo:

I Would Like To Get Clarification On The Standards Of 173.29 . If Hauling Empty Poly 55 Gallon Drums Containing Only The Residue Of Hazardous Materials And Non-Hazardous Materials On Our Company Truck From One Company Location To The Other In An Enclosed Van Trailer Will We Be Required To Create Bill Of Ladings Or Not ? And If We Haul IBC Container Of Size 275 Gallons And 330 Gallons In The Same Form Wil We Be Required To Placard And Create Bill Of Ladings ?

Sincerely  
*Ricky Pruitt*  
Ricky Pruitt  
Distribution Manager