



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 08 2019

Jeff Christafore
Dangerous Goods Compliance Specialist
Bombardier Aerospace
2400 Aviation Way
Bridgeport, WV 26330

Reference No. 19-0015

Dear Mr. Christafore:

This letter is in response to your February 7, 2019, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of packages covered under DOT-SP 15146. Specifically, you ask for clarification of party status requirements and the reoffering of packages shipped under DOT-SP 15146.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether a shipper must be granted party status to reoffer DOT-SP 15146 packages that have been opened and repacked.
- A1. The answer is yes. Section 8(a) of DOT-SP 15146 stipulates that a person who is not a holder of the special permit may reoffer the package for transportation provided no modification or change is made to the package. It is the opinion of this Office that in this example modifying the "package," as defined in § 171.8, includes opening and/or repacking the package.
- Q2. You ask whether "package" as referenced in section 8(a) means the inner aerosol container or the "packaging plus its contents," as defined in § 171.8.
- A2. Section 8(a) refers to the "package" as defined in § 171.8. The HMR define package as "a packaging plus its contents." Therefore, in section 8(a) of DOT-SP 15146, the "package" refers to the strong outer packaging plus the inner aerosol containers.

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

Cardey

Dodd, Alice (PHMSA)

19-0015

From: INFOCNTR (PHMSA)
Sent: Thursday, February 07, 2019 2:26 PM
To: Hazmat Interps
Subject: FW: Request Clarification / Interpretation for DOT-SP 15146

Hello Alice and Ikeya,

Please see the information below for a letter of interpretation request.

Thanks,

Lysie Patschke

Transportation Regulatory Specialist
Hazardous Materials Information Center (HMIC)

From: Jeff Christafore [mailto:jeff.christafore@aero.bombardier.com]
Sent: Thursday, February 07, 2019 10:27 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request Clarification / Interpretation for DOT-SP 15146

Hi,

I am looking for clarification concerning who is authorized to ship the containers covered under DOT-SP 15146 and I have been unable to locate any existing interpretations that would help me.

During recent research on this special permit I see that it appears to require party status to use it because of the mention of "See Individual Authorization Letter", but during my research I have discovered suppliers that are not included in the approvals for this special permit offering these containers for transport utilizing their packaging materials. In subsequent communication with one of those suppliers to try and understand why they were able to offer the products authorized by this special permit for transport, it was mentioned that they had spoken with regulatory personnel in the past and were informed that the mention of "package" in Section 8 is actually referring to the aerosol containers (packaging) that are authorized, instead of the package as defined in 171.8.

Since Section 8 mentions that "A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package", I am needing clarification for what this is actually referring to. Is this referring to a package as defined in 171.8 or is this only referring to changes to the aerosol containers (inner packagings) authorized by the special permit.

Can you please inform me if companies that don't have party status to this special permit are authorized to reoffer them for transport if they have opened the package (as defined in 171.8) to inspect them and then stock them on shelves without the outer packaging used to transport them?

In addition to the supplier I communicated with, I also spoke with representatives from the Hazmat Information Center and Special Permits and both of them informed me that without "Party Status" to the special permit, our facilities would not be able to reoffer them for shipment. However, the person with special permits informed me they would research further, because they already had this special permit flagged for some reason.

Since this contradicts what I discovered during my research, where suppliers that don't have "Party Status" are offering them for transport under the terms of the special permit, I am requesting a formal letter of interpretation if this cannot be answered definitively without one.

This is not a product that I believe we would need to offer for transport often, as it is generally consumed in house at our service centers, but we do have Mobile Repair teams that may utilize products covered under this special permit and may need to be resupplied while they are out in the field.

I would appreciate any assistance you can provide, so I can ensure our systems identify the correct transport requirements for products authorized under DOT-SP 15146. Currently, I am advising our shippers that we cannot reoffer this product for transport, because we don't have "Party Status", but I do not want to provide incorrect information and I want to ensure our shippers have the correct information surrounding the transport of these items.

DOT-SP 15146
(FOURTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See Individual Authorization Letter)

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

Regards,

Jeff Christafore
Dangerous Goods Compliance Specialist
Bombardier Aerospace

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