



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 18, 2020

Andy Romach
Principal Scientist
AECOM Technical Services
1600 Perimeter Drive, Suite 400
Morrisville, NC 27560

Reference No. 20-0010

Dear Mr. Romach:

This letter is in response to your February 5, 2020, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to UN specification marks on packagings. You describe a scenario in which a 4G box is tested in two different configurations – one that includes gel packs and one that uses paper filler instead of gel packs. You believe that the use of the 4G box with different inner packagings does not qualify it as a different packaging, as provided in § 178.601(c)(4)(ii).

Specifically, you ask whether it is permissible to mark the packaging with a single marking that reflects the greater tested maximum gross mass to cover both packaging configurations, rather than choosing only one marking representative of the packaging based on the specific configuration (i.e., the type of cushioning material) used at the time of shipment.

The answer is no. In order to be excluded as a “different packaging” in accordance with § 178.601(c)(4)(ii), the inner packagings must be the only component that differs within the combination packaging. However, given that a gel pack does not meet the definition of an inner packaging (as it is not used to contain hazardous materials), the packaging variations you describe meet the definition of a different packaging. Therefore, in this instance, a single marking that attempts to cover both specifications is not appropriate.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Carney
20-0010

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, February 5, 2020 4:20 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation...
Attachments: UN package markings 02052020.pdf; INTERP ANDY ROMACH.docx

Hello Alice and Ikeya,

Attached is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

From: Welch, Marshall [mailto:marshall.welch@aecom.com]
Sent: Wednesday, February 5, 2020 10:57 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Norris, Carolyn <carolyn.norris@aecom.com>; Romach, Andy <andy.romach@aecom.com>
Subject: Request for Letter of Interpretation...

See attached written request for Letter of Interpretation.

Let us know if you have any questions or need additional information.

Thanks,

Marshall Welch
Dangerous Goods Compliance Specialist / Quality Manager, EHS Department
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February 5, 2020

Mr. Shane Kelley, Director
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Material Transportation Administration (PHMSA)
East Building, Second Floor
1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: +1 202-366-7435

Dear Mr. Kelley:

I am writing to request a written Pipeline and Hazardous Material Safety Administration (PHMSA) Department of Transportation (DOT) regulatory interpretation concerning the application of a single printed United Nations (UN) certification marking to a packaging system that has been tested successfully to meet the criteria of two separate packaging tests.

This UN certification packaging system was successfully tested with gel packs to keep the contents cold. The same UN certification packaging was also successfully tested with the gel packs removed, and paper filler material inserted to fill the void where the gel packs were located. The gross weight of each packaging system differs, but the packaging systems are identical in other respects.

- The UN specification marking for the packaging system tested with the gel packs is: UN 4G/Y14.0/S/18/USA [*Manufacturer's Symbol*];
- The UN specification marking for the packaging system tested with the gel packs removed and cushioning inserted into the void space is: UN 4G/Y11.3/S/18/USA [*Manufacturer's Symbol*].

These two package tests results could be combined into the same Test Report, with the instruction that the specification marking for the greater weight packaging be used.

It appears that the above packaging configuration does not meet the definition of "A different packaging" in 49 CFR 178.600(c)(4):

(4) A different packaging is one that differs (i.e., is not identical) from a previously produced packaging structural design, size, material of construction, wall thickness or manner of construction but does not include:

(ii) A combination packaging which differs only in that the outer packaging has been successfully tested with different inner packaging. A variety of such inner packagings may be assembled in this outer packaging without further testing.



PHMSA DOT Regulatory Interpretation Request

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It has come to our attention that the packaging acceptance system implemented by certain transporters consists of reviewing the outer packaging for only one UN specification marking. If more than one UN specification marking is detected on the packaging, then the packaging is rejected. This procedure has resulted in many frustrated shipments.

To avoid continued frustration of shipments, we would like for the above-described packaging to display only one UN certification marking, allowing the certification marking with the greater gross weight of the packaging system to be used (e.g., 4G/Y14.0/S/18/USA.....). Apart from the gross weight, the certification markings are identical. As mentioned previously, these two package tests could be combined into the same Test Report, with the result that the certification for the greater weight packaging be used.

Would this approach be acceptable? Apply only a single UN certification marking on the packaging, using the certification marking from the test with the greatest weight and have both certification markings listed in the test report.

If you have questions concerning this request, please call me at (919) 461-1220.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Romach'.

Andy Romach
Principal Scientist
AECOM Technical Services
andy.romach@aecom.com