



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 27, 2021

Darrell A. Martin
Transportation Regulatory Manager
Austin Powder Company
25800 Science Park Drive
Cleveland, OH 44122

Reference No. 20-0089

Dear Mr. Martin:

This letter is in response to your November 12, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to United Nations (UN) specification packagings and UN standard markings. In your email, you state that the explosives industry utilizes UN specification packaging “5M2 bags” when transporting hazardous materials “NA0331, Ammonium nitrate-fuel oil mixture *containing only prilled ammonium nitrate and fuel oil*, 1.5D” and “UN0331, Explosive, blasting, type B *or Agent* blasting, Type B, 1.5D.” Furthermore, you state that the explosives industry uses a non-specification multi-wall plastic-lined paper bag, with a stitched method of closure, in accordance with special permit 11156 (DOT-SP 11156). Finally, you state that these DOT-SP 11156 non-specification bags are not waterproof or completely sift proof; however, they are tested periodically to ensure they meet the requirements of a tested and approved UN 5M2 bag.

We have paraphrased and answered your questions as follows:

- Q1: With respect to the § 178.3(c) marking requirements, you ask whether these special permit bags may be dual marked with both the UN standard marking and the DOT-SP marking.
- A1: The answer is no, as the DOT-SP 11156 packaging is a non-specification packaging and cannot be marked with a UN standard marking representing the packaging as a standard packaging. Also, note the “DOT-SP 11156” marking is not a specification marking.
- Q2: If the answer to Q1 is no, you ask whether you may use up the existing inventory of these dual marked bags.

A2: Pre-marked bags that otherwise comply with DOT-SP 11156 may continue to be used until their inventory has been depleted; however, the “UN 5M2” standard marking must be covered or otherwise be removed.

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". The signature is fluid and cursive, with the first name being the most prominent.

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

Baker

20-0089

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Interpretation Request- 49 CFR Part 178.3 (c)
Date: Friday, November 13, 2020 1:21:22 PM
Attachments: [image003.png](#)
[image002.png](#)

Hi Alice,

Please see below for a letter of interpretation request.

Please contact our office with any questions.

Best,

Sarah

From: Darrell A. Martin [mailto:Darrell.Martin@austinpowder.com]
Sent: Thursday, November 12, 2020 9:06 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation Request- 49 CFR Part 178.3 (c)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam:

I respectfully request an interpretation concerning the following information.
Special Permit SP 11156 exempts the explosive industry from 49 CFR 173.62 (c) Packing Instructions 116 & 117 in that a non-specification multi wall, water resistant bag is not authorized for NA0331 and UN0331, except as specified herein; and 173.212 (b), in that a non-specification multi wall, water resistant bag is not authorized for UN1942 except as specified herein.

This interpretation request concerns 49 CFR 178.3(c) which states that a package may not be marked with more than one DOT specification or UN standard unless the package meets the criteria for both standards.

The explosive industry has utilized UN specification packaging 5M2 bags for years to transport NA0331 or UN0331 material for years under Special Permit 11156, which permits the industry to utilize a stitched method of closure for the bags, which makes them non-sift proof bags. The bags are tested periodically to ensure they otherwise meet the requirements for UN 5M2 bags.

Is it permitted to utilize UN specification 5M2 bags that are marked with the UN specification code markings and DOT SP 11156 to transport NA0331, UN0331 and UN1942? We believe the requirement listed in 49 CFR 178.3 (c) concerning more than one UN standard or DOT specification refers to the current UN standards and previous DOT specification packages which were utilized prior to and during the transition to HM-181. The

5M2 bags that we currently utilize are tested periodically as required and there have been no minor or major issues during the transportation of the listed products.

If the industry is not permitted to utilize UN Standard 5M2 bags with that marking and the DOT SP 11156 markings, will the industry be permitted to use up the existing inventory of the current bags marked with the UN 5M2 markings and SP 11156 within a reasonable time frame?

Thank you for your assistance in clarifying this issue and not creating a severe financial hardship on the explosives industry for utilizing a large inventory of the existing bags that have proven to be safely used for the transportation of product for many years. We respectfully request a response to this email and if possible also a written response.

Sincerely,

Darrell A. Martin



AUSTIN POWDER

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