



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 24, 2023

Mr. Jeffrey D. Shields
Global Competency Leader
Distribution, Emergency Response & Fire Protection
DuPont EHS Center of Excellence
974 Centre Road
CRP 730 / 2nd Floor
Wilmington, DE 19805

Reference No. 22-0013

Dear Mr. Shields:

This letter is in response to your February 18, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to leakproofness testing requirements for open head plastic drums under Special Provision (SP) 49 listed in § 172.102(c) (Special provisions).

We have paraphrased and answered your questions as follows:

- Q1. You ask whether an open head plastic drum (1H2)—which is used for transporting “UN3244, Solids containing corrosive liquid, n.o.s., 8, PG II”—must be subject to the leakproofness test specified in § 178.604.
- A1. SP 49 authorizes an open head drum that is designed for solids provided the drum design has been leakproofness tested at the packing group (PG) II level.
- Q2. You ask whether the provision specified in § 173.12—allowing the use of an open head drum for the shipment of a hazardous waste—includes an exception from the leakproofness test.
- A2. An equivalent (except for closure) open head drum may be used for the transportation of a hazardous waste under certain conditions described in § 173.12(a). An equivalent drum must be capable of passing the leakproofness test as specified in § 178.604.

- Q3. You ask whether the provision for the shipment of waste in § 173.12 applies to SP 49.
- A3. Provided the material being offered for transportation is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262, the answer is yes. (See the definition of “hazardous waste” in § 171.8). As indicated above, this does not exclude the packaging from the leakproofness test.

Please note that a packaging utilized under SPs 47, 48, and 49 must correspond to a design type that has passed a leakproofness test at the PG II level. Authorized packagings are provided in §§ 173.212 and 173.240 for non-bulk and bulk packagings, respectively.

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

Sincerely,

A handwritten signature in blue ink that reads "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

Pollack

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: DuPont - Request for LOI
Date: Friday, February 25, 2022 2:31:46 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[DuPont LOI Request Feb 18 2022.pdf](#)
[image005.png](#)

22-0013

Hi Alice,

Please see the attached interpretation request.

Let us know if you have any questions.

Regards,

-Breanna

From: SHIELDS, JEFFREY D <Jeffrey.D.Shields-1@dupont.com>
Sent: Friday, February 18, 2022 8:40 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>; Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: DuPont - Request for LOI

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.

Good morning,

Please find a request for a letter of interpretation for 49 CFR. Please let me know if any questions.

Best Regards,




Jeffrey D. Shields

Global Competency Leader
Distribution, Emergency Response & Fire Protection
DuPont EHS Center of Excellence



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February 18, 2022

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590
Shane.Kelley@dot.gov
infocntr@dot.gov

Dear Mr. Kelley:

Could you please respond to the following with a letter of interpretation?

A hazardous waste with proper shipping name, "UN3244 Waste Solids containing corrosive liquid, N.O.S. (Sulfuric Acid), 8, PG II" has an approved container of 1H2 listed for a non-bulk solid/liquid shipment (49 CFR 173.212/173.202). Special Provision 49 states that for a single package it must correspond to a design type that has passed the leakproofness test at the PG II level. UN rated 1H2 open head drums typically do not have this leakproofness test completed and are mainly UN rated to contain solids. This hazardous waste is mostly a solid at time of packaging but could contain liquid. Exceptions for shipment of waste materials (49 CFR 173.12) allow for the usage of open head drums for solid materials when a closed head drum is impractical, however, it requires the drum to be "equivalent". "UN3244 Waste Solids containing a corrosive liquid, N.O.S." are mainly a solid, so a practical method would be to use a single package open-head poly drum 1H2, however, this appears to not be allowed by Special Provision 49 due to the fact that open-head drums are not tested to the leakproofness test.

Question 1: Can an open head poly drum (1H2) be used for "UN3244 Waste Solids containing corrosive liquid, N.O.S." if they are not tested for leakproofness test?

Question 2: Does the exception for the shipment of waste materials (49 CFR 173.12) in an open head drum exclude the "leakproofness test"?

Question 3: Does the exception for the shipment of waste materials (49 CFR 173.12) apply to Special Provision 49 in the classification of the waste as a Class 8 or exclude it from the "leakproofness" test?

Sincerely,

A handwritten signature in black ink that reads "Jeffrey D. Shields". The signature is written in a cursive style with a large, prominent "J" and "S".

Jeffrey D Shields
EHS Competency Manager
Fire Protection, Distribution Safety & Emergency Response
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