U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JUL 10 2002

Mr. Andrew Parrella
EM Science
A Division of EM Industries, Inc.
2909 Highland Avenue
Cincinnati, Ohio 45212

Ref. No. 01-0270

Dear Mr. Parrella:

This responds to your letter regarding "Silicon tetrachloride, Class 8, UN 1818, PG II, imported from Germany by vessel, for resale and transportation to customers in the United States.

In your letter you stated that the "Silicon tetrachloride" will be shipped in a package marked as "UN 6PA1/Y1.9/Z1.9/250.../D/ BAM3640 – EMD." The product will be warehoused in a facility and shipped to customers throughout the United States. These customers will then return the empty, reassembled packaging, containing residue of the Silicon tetrachloride, to the domestic warehouse facility, who will then return the packaging back to Germany. Your questions are paraphrased and answered as follows:

Q1. Is the packaging (UN 6PA1/Y1.9/Z1.9/250.../D/ BAM3640 – EMD) subject to the requirements for reuse under § 173.28 and, more specifically, the leakproofness test and the minimum thickness requirements in § 173.28(b)(2) and (b)(4), respectively.

A1. The reuse provisions only apply to UN performance-oriented or specification packagings manufactured and filled in the United States and require that all packagings and receptacles used more than once be in such condition that they conform in all respects to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Therefore, packagings (e.g., UN 6PA1/Y1.9/Z1.9/250.../D/ BAM3640 – EMD) may not return to the United States containing a hazardous material requiring use of specification packaging, unless they comply with the general requirements for all packagings and the additional general requirements for non-bulk packagings prescribed in §§ 173.24 and 173.24a, respectively.

Q2. Can a composite packaging which meets the requirements of the International Maritime Dangerous Goods (IMDG) Code be shipped by vessel to the United States and returned to Germany as marked.

A2. Yes. Under the HMR, if all or a portion of the transportation is by vessel, a hazardous material which is packaged, marked, classed, labeled, placarded, described, stowed, and segregated

and certified in accordance with the IMDG Code, may be offered and accepted for transportation and transported within the United States, subject to the conditions and limitations of requirements in § 171.12.

- Empty packaging being returned to Germany which contain a residue of a hazardous material, such as the "Silicon tetrachloride, Class 8, UN 1818, PG II, must be transported in the same manner as when they previously held a greater quantity of the material, unless the packagings are sufficiently cleaned of residue and purged of vapors to remove any potential hazard, or are filled with a material which is not hazardous to such an extent that any residue remaining in the packaging no longer poses a hazard, and thus not subject to the HMR (see § 173.29).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

Engram
§ 173.28
Packaging Reuse
01-0270

EM SCIENCE
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October 12, 2001

Delmer F. Billings
Chief, Standards Development, DHM-11
US DOT RSPA
Office of HMS
400 7th Street, SW
Washington, DC 20590

Dear Mr. Billings,
We need your counsel for the following proposal:

Silicon Tetrachloride; PG II, Corrosive, UN 1818, non bulk size (20L), imported from Germany, by vessel, for resale and transport to customers here in the United States.

Code of Federal Regulations Title 49 states that this product may be packaged and offered for transport if the packaging meets the requirements of 173.202. The proposed material will be packaged in a UN6PA1 composite package and will be considered a "returnable package".

The product will be received and warehoused in a domestic facility. It will then be sent to customers who will use the product and then send the empty, reassembled packaging, as a hazardous material, back to the first recipient who, in turn, will send the packaging back to Germany.

We have (2) questions concerning the above proposal:

(1) Is the packaging subject to the requirements stated under 173.28; Reuse, Reconditioning, and Remanufacture of Packaging prior to reusing the packaging, specifically, the requirements of 173.28 (b)(2) and 173.28 (b)(4)?

(2) The Packaging has been tested, certified, and marked to meet the IMDG Code by the Federal Institute for Material Research and Testing (BAM) in Germany and is marked as UN 6PA1/Y1.9/Z1.9/250/.../D/BAM3640 – EMD. Can this composite packaging be legally shipped into the US and returned to Germany as marked?

We would like to get a response as quickly as possible, Mr. Billings, as we want to begin the proposed use of this product at or near the end of October, 2001.

Thank you for your timely response.

Andrew Parrella
Manager of Packaging