



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

AUG 6 2002

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

Mr. Mark Frese  
Assistant Manager  
White House Sales  
6959 Eastside Road  
Redding, CA 96001

Reference No.: 02-0142

Dear Mr. Frese:

This is in response to your letter requesting clarification on proper segregation and separation of certain products under the Hazardous Materials Regulations (HMR, 49 CFR Parts 171-180). You state that your company was recently cited for failing to properly segregate a pail containing 15 pounds of Bromine tablets (a Division 5.1 oxidizer) from one or more 52-gallon drums containing a 12.5% Sodium hypochlorite solution (a Class 8 corrosive liquid).

We hope you understand that RSPA cannot substitute our judgment for that of a judge or magistrate that conducts a hearing on the citation your company received, and any opinion we provide is based solely on the information provided by you without an opportunity for the authority issuing the citation to present its views and any additional information.

Based on your letter and the enclosed pictures, we understand that the pail containing Bromine tablets was secured to the side gate of your truck with a bungee cord; behind the pail was a cardboard box; and behind the box (in the back corner of the truck bed) was one drum of Sodium hypochlorite solution, also secured to the side gate of the truck with rope. The pictures also seem to indicate that a second drum containing a corrosive material was also located in the opposite rear corner of the truck bed. You asked whether this arrangement meets the requirements of 49 CFR § 177.848(e)(3), which provides that a Class 8 corrosive liquid and a Division 5.1 oxidizer

may not be loaded, transported, or stored together in the same transport vehicle or stored together during the course of transportation unless separated in a manner that, in the event of leakage from packages under conditions normally incident to transportation, commingling of hazardous materials would not occur.

In the situation you present, it does not appear that the location of these packages on your truck, including the cardboard box in between the pail and one of the drums, would be sufficient to prevent the commingling of the two hazardous materials in the event of a failure of the primary containers of both of them (i.e., Bromine tablets were released from the pail and Sodium hypochlorite solution leaked from the drum(s)). In the event of leakage from the pail and a drum, the cardboard box (even if secured to prevent its movement) does not appear to provide a



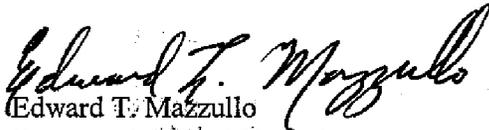
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177.848(e)(3)

barrier that would prevent the Sodium hypochlorite solution from mixing with the Bromine tablets. On the other hand, if one or more pails of Bromine tablets were placed in a secondary container (such as the tote bins shown in the pictures), and located away from drums containing a corrosive liquid, that arrangement would appear to prevent Sodium hypochlorite solution that leaked from a drum from mixing with Bromine tables that were released from the pail.

I hope you find this information helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

  
(Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards

# WHITE HOUSE SALES

## Official Interpretation Request

6959 Eastside Road  
Redding, CA 96001  
Phone (530) 241-2087  
Fax (530) 241-6743

To: U.S. D.O.T. Research and Special Programs Administration (RSPA)

Re: Official interpretation request for Part 177.848 (e)(3) of the CFR 49,  
Segregation of Hazardous Materials.

Corbin  
§177.848(e)(3)  
Segregation  
02-0142

The hazardous materials in question in this particular case are:

Oxidizers 5.1 and Corrosives-8

White House Sales (WHS) is a wholesale distributor of pool and spa chemicals and equipment. We transport hazardous materials (by highway) on a daily basis on single-axle, stake bed trucks with gross vehicle weights of less than 26,000 lbs. Our terminal inspections, transportation records, and hazardous material driver training programs are exemplary.

Recently WHS received a citation for having improper segregation between the above-mentioned hazardous materials. The Oxidizer was (1) 15 lb. container of Bromine tablets (Bromo-Chloro-Dimethylhydantoin) contained in a D.O.T. approved plastic pail, secured with a rubber bungee cord to the side gate of our truck.

Directly adjacent to the 5.1 Oxidizer pail (on one side) was a non-hazardous, non-chemical, cardboard box filled with miscellaneous pool parts. There was no other freight in front of, or adjacent to, this 5.1 Oxidizer pail.

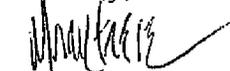
Directly adjacent to the non-hazardous, non-chemical box of parts was (1) 52 gal. drum of Liquid Chlorine 12.5% (Sodium Hypochlorite Solution), which is a Corrosive. This too was properly secured to the side gates of the truck with rope.

Both hazardous containers were properly secured against movement as well as marked and labeled for highway transportation according to the CFR 49 codebook.

I am aware of the wording of part 177.848 and the hazardous material segregation chart and realize that it is primarily left to the interpretation of the involved law enforcement personnel. However, the wording is fairly vague and does not state *any* actual "distances" that must be maintained between these materials. I believe that WHS did maintain proper physical segregation between these two materials by separating them with the non-reactive, non-combustible box of freight, and in the event of leakage from packages under conditions *normally incident to transportation*, commingling of said hazardous materials would *not* have occurred.

I am sending copies of the photographs taken at the scene and would truly appreciate your official interpretation of this matter.

Sincerely,



Mark Frese

Asst. Manager

mfrese@chemquip.com