



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

NOV 05 2014

Mr. Andy N. Romach
Regulatory Compliance Manager
URS Corporation
1600 Perimeter Park Drive
Morrisville, NC 27560

Reference No. 14-0018

Dear Mr. Romach:

This is in response to your January 21, 2014 letter, and subsequent telephone conversations a member of my staff had with Ms. Carolyn Norris of your company in which you both request clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for used aerosol containers. Specifically, you ask whether used aerosol containers may be transported in bulk packagings, such as a cubic yard box, in conformance with § 173.306(k) when entries of the word "None" in Column (8C) for the proper shipping names for aerosols in the Hazardous Materials Table (HMT; § 172.101) prohibit them from being transported in bulk packagings. Ms. Norris stated that the aerosol containers you described will be transported by ground only to a facility for recycling.

The answer is yes. Aerosols, as defined in § 171.8 of the HMR, containing a limited quantity of hazardous material may be transported in bulk packagings when prepared in conformance with §§ 173.156 or 173.306(k).

Section 173.156(b)(1) permits limited quantity and ORM-D packagings to be placed in packagings that exceed 30 kg (66 pounds) gross weight provided the material is: (1) unitized in cages, carts, boxes, or similar overpacks; (2) offered for transportation or transported by rail, private or contract motor carrier; or common carrier in a vehicle under exclusive use for such service; and (3) transported to or from a manufacturer, a distribution center, or a retail outlet, or transported to a disposal facility from one offeror. In addition, § 173.156(b)(2) permits limited quantity or ORM-D aerosols to be in packagings that exceed 30 kg (66 pounds) gross weight if the packaging is marked as specified in § 172.315, or until December 31, 2020, is marked as "ORM-D" and described as a consumer commodity, when offered or transported by motor vehicle or rail between a manufacturer, distribution center, and a retail outlet. Persons preparing these packagings must also: (1) conform to appropriate quantity limits for inner packagings specified in §§ 173.150(b), 173.152(b), 173.154(b), 173.155(b), 173.306(a) and (b), and 173.309(b); (2) pack the inner packagings into corrugated fiberboard trays to prevent them from moving freely; (3) place these trays in a fiberboard box that is banded and secured to a wooden pallet by metal, fabric, or plastic straps, to form a single palletized unit; (4) conform to the general packaging requirements of Subpart B of 49 CFR Part 173; and (5) not exceed the maximum net quantity of hazardous material on one palletized unit of 250 kg (550 pounds).

Section 173.306(k) permits limited quantity aerosols transported for recycling or disposal to be placed in a strong outer packagings with a gross weight up to 500 kg (1,100 pounds), which may include a cubic yard box, provided the additional requirements of this section are met. These packagings must be: (1) in a metal container and expel non-poisonous liquid, paste, or powder; (2) in a plastic container for expelling liquid, paste, or powder and contain non-flammable gas with no subsidiary risk; (3) in non-refillable metal or plastic containers not exceeding 1 L and contain foodstuffs or soaps; (4) in a refillable metal or plastic containers and contain cream with soluble or emulsified compressed gas; or (5) in non-refillable metal or plastic containers charged with a poisonous Packing Group III or non-flammable solution containing biological products or a medical preparation that could be deteriorated by heat, and compressed gas or gases. Additional requirements for these materials include securing each aerosol container with a cap or removing its valve stem. Materials offered for transportation in conformance with § 173.306(k) must be offered for transportation or transported by a private or contract motor carrier or a common carrier in a motor vehicle under exclusive use for such service.

We agree that adding references to these sections in the applicable HMT entries for aerosols would aid the regulated public with locating these exceptions, and will consider such a revision in a future rulemaking.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, reading "T. Glenn Foster". The signature is written in dark ink and is positioned above the typed name and title.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



January 21, 2014

Edmonson
§173.306 (k)
§172.101 (i)(3)
Applicability
14-0018

Mr. Charles Betts, Division Director
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Betts:

I am writing to request a Department of Transportation (DOT) interpretation concerning 49 CFR 173.306(k) and the requirements for shipping used aerosol cans in a cubic yard box [bulk packaging, maximum net mass greater than 400 kg (882 pounds) and maximum capacity greater than 450 L (119 gallons)].

Based on verbal guidance provided by Eileen Edmonson at the DOT Hotline, she stated that it appears that such bulk packages were not intended to be prohibited by DOT. However, for the entry "Aerosols" in the Hazardous Material Table, "None" appears in column 8(B) "Non-bulk" and in column 8(C) "Bulk". As set out in 49 CFR 172.101(i)(3): "A "None" in Column (8C) means bulk packagings are not authorized, except as may be provided by special provisions in column (7) and in packaging authorizations Column (8B)." As the bulk packaging is not authorized in any of these locations, Eileen stated that this limitation appears to be an oversight and DOT will make a note to correct it in a future "Miscellaneous" rulemaking.

Please confirm that used aerosol cans shipped under 49 CFR 173.306(k) would be allowed to be shipped in a cubic yard box (bulk packaging), and that DOT intends to revise the regulations in the future to clarify this requirement.

I appreciate your assistance with this question.

Sincerely,

Andrew N. Romach
Regulatory Compliance Manager
URS Corporation

URS Corporation
1600 Perimeter Park Drive Morrisville, NC 27560
Tel: 919.461.1220
Fax: 919.461.1371
andy.romach@urs.com