



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 04 2017

Ms. Terri Zick
CTI and Associates, Inc.
28001 Cabot Drive
Suite 250
Novi, MI 48377

Reference No.16-0189

Dear Ms. Zick:

This letter is in response to your November 30, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of waste rags and wipers. You provide a scenario in which containers are filled with waste rags and wipers that are classified as Environmental Protection Agency (EPA) hazardous waste D001. The waste rags and wipers are primarily a solid, with some free liquids on the bottom of the container that would meet the definition of a D001 EPA hazardous waste. You note that special provision 47 in § 172.102 of the HMR authorizes use of "UN3175, Solids Containing Flammable Liquids, n.o.s., 4.1, PG II" for mixtures of non-regulated materials and flammable liquids even if they do not meet one of the three criteria for Class 4.1 defined in § 173.124, provided there are no free liquids visible at the time the container is closed or shipped.

Specifically, you ask if it is appropriate to use the proper shipping name "Waste Solids Containing Flammable Liquids" to describe a D001 EPA hazardous waste provided there is no visual indication of liquid on the top of the waste, or if the assignment of waste code D001 (due to the presence of free flammable liquids) conflicts with the intended use of this proper shipping name.

As specified in § 173.22, it is the shipper's responsibility to properly classify a hazardous material and select the proper shipping name that most accurately reflects the material being shipped. However, it is the opinion of this Office that the proper shipping description "UN3175, Solids Containing Flammable Liquids, n.o.s., 4.1, PG II" would only be appropriate for the material you describe in your letter if there is no free liquid around the rags or on the bottom of the drum.

Under special provision 47, the phrase "no free liquid" describes the physical state when a liquid hazardous material is completely absorbed onto a solid material such that no free liquid is visible away from the solid material at the time the material is closed within the package. Provided there is no free liquid visible when the packaging is closed and at the time the rags are loaded, the proper shipping names listed above may be used to describe the used cleaning rags. In

accordance with § 172.101(c)(9), the term "waste" should be placed before the proper shipping name provided the material meets the definition of a hazardous waste. However, if there is any free liquid visible in the used rags when they are loaded or when the packaging or transport unit is closed, the above listed proper shipping name would be inappropriate, and the used cleaning rags must be classed in accordance with the appropriate hazard class definitions.

Using the proper shipping name "UN3175, Solids Containing Flammable Liquids, n.o.s., 4.1, PG II" should not conflict with use of the D001 EPA hazardous waste code. However, it is recommended that you contact EPA on any issues that may conflict with their hazardous waste manifesting requirements.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster".

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



Protecting, Enhancing, and Restoring Our Environment

Andrews
§172.102
Special Provision
16-0189

November 30, 2016

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001 Pipeline and Hazardous Materials Safety Administration
Via: phmsa.hm-infocenter@dot.gov

Re: Applicability of Solids Containing Flammable Liquids shipping name and free liquids determination

Frequently, waste generators classify solid wastes such as rags and wipers as D001 hazardous waste based on known or suspected presence of free flammable liquids in the waste container. The waste, while predominately a solid, retains the likelihood for free liquids within the waste mass or on the bottom of the container which would meet the definition of a D001 hazardous waste (40 CFR 261.21(a)(1)). As the presence of free liquids cannot always be visually assessed or confirmed by viewing the waste at the top of the full container, the assignment of hazardous waste code D001 (flammable liquids) is often made as a conservative measure or definitively using data from a paint filter test.

Special provision 47 (49 CFR 172.102) appears to authorize the use of the shipping name "Solids Containing Flammable Liquids" for mixtures of non-regulated materials (such as rags, mop heads, wipers, etc.) and flammable liquids even if they do not meet one of the 3 criteria for Class 4.1 defined in 49 CFR 173.124 provided there are no free liquids "visible" at the time the container is closed or shipped. This authorization does not appear to require further evaluation of free liquids beyond a visual inspection of the top, or other visible areas of the containerized waste.

Is it appropriate to use the shipping name "Waste Solids Containing Flammable Liquids" to describe a D001 flammable liquid so long as there is no visual indication of liquid on the top of the waste, or does the assignment of waste code D001 (due to the presence of free flammable liquids) conflict with the intended use of this shipping name?

Thank you for your assistance in clarifying this matter.

Terri Zick

CTI and Associates, Inc.

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, November 30, 2016 3:33 PM
To: Hazmat Interps
Subject: FW: Interpretation of Special Provision 47 related to rags and wipers
Attachments: D001 flammable shipping Inquiry.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Ms. Zick.

Please let me know if you have any questions.

Thanks,
Jordan

From: Terri Zick [mailto:tzick@cticompanies.com]
Sent: Wednesday, November 30, 2016 1:01 PM
To: PHMSA HM InfoCenter
Subject: Interpretation of Special Provision 47 related to rags and wipers

Please accept the attached inquiry regarding the application of proper shipping names for waste materials known to contain free (flammable) liquids. Please feel free to contact me at any time if there are questions regarding this request for interpretation.

Thank you for your time in reviewing and responding to this inquiry.

Terri Zick
313-300-7401 cell

Please visit our new website at www.cticompanies.com



Terri Zick
Director, Compliance Services

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