



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 20 2017

Mr. Gregory Perry
EnviroServices & Training Center, LLC
505 Ward Avenue, Suite 202
Honolulu, HI 96814

Reference No. 16-0201

Dear Mr. Perry:

This letter is in response to your December 14, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for lab packs applicable to the segregation requirements exception in § 173.12(e) and the segregation requirements in § 176.83(b). You present a scenario in which a lab pack containing a hydroxide is transported on a cargo vessel with another lab pack that contains an acid. You note that the hydroxide is required to be "separated" from acids according to the vessel stowage codes in Column 10B of the § 172.101 Hazardous Materials Table (HMT). Specifically, you ask whether § 173.12(e), which excepts certain waste materials from segregation requirements in § 176.83(b), also excludes these applicable materials from vessel stowage requirements.

The answer is no. Column 10B of the HMT refers to other requirements for stowage, cargo handling, and segregation for cargo and passenger vessels in § 176.84. Hazardous materials offered for transportation as limited quantities are not subject to the stowage code assigned by Column 10B; however, the same does not apply for items shipped under the lab pack exception in § 173.12(b).

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Casey
173.12(e)
Segregation
16-0201

From: INFOCNTR (PHMSA)
Sent: Thursday, December 15, 2016 1:48 PM
To: Hazmat Interps
Subject: FW: Interpretation of 49 CFR Part 173.12(e)

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Perry spoke with Jodi.

Please let me know if you have any questions.

Thanks,
Jordan

From: Gregory Perry [mailto:greg@gotoetc.com]
Sent: Wednesday, December 14, 2016 3:28 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation of 49 CFR Part 173.12(e)

When packing materials in accordance with 173.12(b), the package is exempt from vessel segregation requirements found in 176.83(b) if the package is "blocked and braced in such a manner that they are separated from incompatible materials by a minimum horizontal distance of 1.2 m and the packages are loaded at least 100 mm of the floor of the freight container, etc."

My question is: Am I also exempt from vessel stowage codes found in column 10B of the Hazardous Materials Table? Specifically code 52.

Seems inconsistent that I would not be able to ship a labpack of waste containing acid with a labpack of waste containing a hydroxide which carries a code 52 (stow separated from acids) in column 10B of the HMT but I can be exempt from segregation table requirements in 176.83(b) if a ship other incompatibles in the same shipment such as classes 5.1, 4.1, 4.2, 4.3, etc.

Thank you for your response and feel free to contact me directly if you wish to discuss.

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