



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 31 2017

Quentin Yarbrough
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Entegris
706 Houston Clinton Drive
Burnet, TX 78611

Reference No. 17-0005

Dear Mr. Yarbrough:

This letter is in response to your January 16, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the packaging and transport of a material poisonous-by-inhalation, Division 6.1, Packing Group I, Hazard Zone B. Specifically, you point to the packaging configuration in § 173.227(c), which authorizes use of United Nations (UN) performance oriented single packaging when blocked and braced in a transport vehicle, not stacked, and the shipment is “from one origin to one destination only without any intermediate pickup or delivery.”

We have paraphrased and answered your questions as follows:

- Q1. You ask if a “shipping container” (i.e., a freight container) meets the definition of a “transport vehicle” as specified in § 173.227(c).
- A1. The answer is no. As defined in § 171.8, a “freight container” means a reusable container having a volume of 64 cubic feet or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages during transportation. A “transport vehicle” is defined as a cargo-carrying body such as an automobile, van, tractor, truck, semitrailer, tank car or rail car used for the transportation of cargo by any mode. As a freight container is not a cargo-carrying body used for the transportation of cargo, it would not meet the definition of a transport vehicle.
- Q2. You ask if a sealed freight container loaded on a vessel during the course of transportation to its final destination meets the requirement in § 173.227(c) that “shipments must be from one origin to one destination only without an intermediate pickup or delivery.”
- A2. The answer is no. As a freight container does not meet the definition of a transport vehicle, the shipment does not meet all of the criteria in § 173.227(c) (see A1).

Please note that if a transport vehicle were to be used instead of a freight container, the answer would be yes. Transportation of a hazardous material has concluded when the package is delivered to the final destination as indicated on the shipping document, package marking, or other medium; the carrier relinquishes possession of the package; and the carrier is no longer responsible for performing functions subject to the HMR for that particular package. Therefore, it is the opinion of this Office that if the transport vehicle is still en route to the final destination indicated on the shipping document, package marking, or other medium, and the drums remained sealed inside the transport vehicle, it will still comply with the packaging requirements of § 173.227(c). Please note that the shipment must still meet all applicable domestic and international requirements (see A3).

Q3. You ask if a shipment of a material poisonous-by-inhalation, Division 6.1, Packing Group I, Hazard Zone B packaged per § 173.227(c) would be authorized for international vessel transportation.

A3. The answer is yes, provided the packaging also conforms to international regulations. In accordance with § 171.23(a)(10)(ii), a material poisonous-by-inhalation must be packaged in accordance with the requirements of the HMR. Therefore, if the shipment meets applicable HMR requirements in addition to the packaging requirements of § 173.227(c), the shipment is authorized. Please note this entails compliance with the International Maritime Dangerous Good (IMDG) Code for the transportation of the material in order to be authorized.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', is written over a horizontal line.

Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division

Dodd, Alice (PHMSA)

Geller
§ 173.227
Packaging Specs
17-0005

From: INFOCNTR (PHMSA)
Sent: Wednesday, January 18, 2017 3:01 PM
To: Hazmat Interps
Subject: FW: PIH/TIH international

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shante/Alice,

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

Please let me know if you have any questions.

Thanks,
Jordan

From: Quentin Yarbrough [mailto:quentin.yarbrough@entegris.com]
Sent: Monday, January 16, 2017 12:49 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: PIH/TIH international
Importance: High

Dear Sir/Madam,

Regarding international shipments of material toxic by inhalation hazard zone B.
173.227.(c)

(c) 1A1, 1B1, 1H1, 1N1, 6HA1 or 6HH1 drums described in paragraph (b) of this section may be used without being further packed in a 1A2 or 1H2 drum if the shipper loads the material, blocks and braces the drums within the transport vehicle and seals the transport vehicle used. Drums may not be stacked (double decked) within the transport vehicle. Shipments must be from one origin to one destination only without any intermediate pickup or delivery.

Questions:

1. For an international shipment does a shipping container meet the definition of "transport vehicle" and be allowed ?
2. After sealing the container for shipment to a customer overseas would the holding and loading onto the vessel for shipment... be compliant with the one origin to one destination rule ?

Please call for any clarification needed.

Thank you