



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 18 1999

Mr. Floyd A. Whitney
President
Western Poly Drums, Inc.
8727 Rochester Ave.
Rancho Cucamonga, CA 91729-4200

Ref. No. 99-0019

Dear Mr. Whitney:

This is in response to your letter dated January 19, 1999, regarding the reuse of UN 1A2 drums under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Question 1. May drums that have been used once for the transportation of non-hazardous materials be reused for shipment of hazardous wastes in a liquid or solid form?

Answer 1. Yes, the drums may be reused in conformance with the requirements in § 173.12(c), without meeting the reuse and reconditioning requirements in § 173.28. The use of open-head drums for shipment of liquid hazardous wastes must be in accordance with § 173.12(a). [The fact that the drums were previously used for non-hazardous materials is immaterial.]

Question 2. Are we required to recondition these drums prior to their sale and reuse for packaging of hazardous waste?

Answer 2. No. However, the purchaser must be made aware that the drums have been previously used, that their reuse is authorized on a one-time basis for shipment of hazardous wastes, and any other reuse for hazardous materials must be in accordance with § 173.28.

I trust this answers your questions. Please contact us if we may be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



990019

173.28

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Mr. Delmer F. Billings
US Department of Transportation
Research and Special Programs Administration
400 Seventh St. S.W.
Washington, D.C. 20590

January 19, 1999

Re: Reuse of Containers

Dear Mr. Billings,

Would you please send to me in writing the following:

According to 173.28 (b) (6) and 173.12(c) We have a lot of used drums that have a UN rating of 1A2/Y1.4/150 or higher. They are new containers that have only been used once for a non- hazardous material.

We check every drum to be sure that they are in very excellent condition. As I read the regulations, we can sell the drums for hazardous waste, for both liquids and solids. This is a non-bulk packaging not subject to the reconditioning and reuse provisions of this section.

Am I correct in this scenario? Please let me know via fax and mail.

Thank you,



Floyd A Whitney
President

8727 ROCHESTER AVE., RANCHO CUCAMONGA, CA 91729-4200 (909) 466-9927 FAX 945-3075