



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20580

APR 21 2000

Mr. Theron R. Brayman
Dow Corning
P.O. Box 995
Midland, MI 48686-0995

Ref. No. 00-0021

Dear Mr. Brayman:

This is in response to your letter dated January 18, 2000, requesting clarification on the proper shipping description for a lab pack containing materials with the same primary hazard class but different subsidiary hazard classes under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether materials with the same primary hazard class with different subsidiary hazard classes in a lab pack, may be described by a single generic shipping description that includes all the possible subsidiary hazard classes that may or may not be present in the outer packaging at the time of shipment. For example, is "flammable liquid, toxic, corrosive, n.o.s." an acceptable description for a lab pack containing flammable liquids, some of which have toxic or corrosive subsidiary hazards?

A generic description from the § 172.101 table may be used in place of specific chemical names, when two or more chemically compatible waste materials in the same hazard class are packaged in the same outside packaging. Chemically compatible materials having the same primary hazard class, but different subsidiary hazard classes may be packaged together in the same outer container.

The generic description that best describes the waste materials corresponds to the primary hazard class (Class 3) of the materials contained in the lab pack. The generic description, "flammable liquid, toxic, corrosive, n.o.s." is an acceptable generic description for materials shipped in a lab pack when all the subsidiary hazards are present. However, when materials being shipped in a lab pack have only the toxic or corrosive subsidiary hazards present, the generic descriptions, "flammable liquid, toxic, n.o.s." or "flammable liquid, corrosive, n.o.s." must be selected, as appropriate.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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To	MR. EDWARD MAZZULLO	From	THERON BRAYMAN
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Dept.	OFFICE OF HAZARDOUS MATERIALS & SAFETY	Phone #	(517) 496-8674
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January 18, 2000

Mr. Edward Mazzullo
 Director, Office of Hazardous Materials and Safety
 U.S. Department of Transportation
 400 7th Street, SW
 Washington, D.C. 20590

Booth
 § 173.12
 00-0021

Re: Request for regulatory interpretation

Dear Mr. Mazzullo:

I wish to request a clarification on how the regulations at 49 CFR 173.12(b) regarding lab packs may be applied to the choice of a proper shipping name for a lab pack containing materials with the same primary hazard class but different subsidiary hazard classes. I called the Help Line with this question and got a prompt response from a very helpful young woman, but I wish to request a determination in writing.

The regulation states that "a generic description from the §172.101 table may be used in place of specific chemical names, when two or more chemically compatible waste materials in the same hazard class are packaged in the same outside packaging." In a reply to Mr. Michael Hayes of Lawrence Livermore National Laboratory dated July 25, 1997 and posted on the RSPA web site as guidance document number 8209, Mr. Billings of D.O.T. further explained that chemically compatible reagents having the same primary hazard class, but different subsidiary hazard classes, may be packaged together in the same outer container.

Do these two statements taken together then mean that when materials with the same primary hazard class, but different subsidiary hazard classes, are packaged together in a lab pack, that a generic shipping description may be chosen that includes all the subsidiary hazard classes present, even though not every individual item in the outer packaging may exhibit all the subsidiary classes named? My specific example is the packaging of compatible lab wastes that include the following hazard classes:

- Flammable liquid
- Flammable liquid, toxic
- Flammable liquid, corrosive
- Flammable liquid, toxic, corrosive

Would the shipping description, "Flammable liquid, toxic, corrosive, N.O.S." be acceptable for this lab pack?

A second, related question concerns this same lab pack. Suppose that the overall waste characterization for this waste stream includes materials with all of the above shipping descriptions, however, due to the nature of a lab pack waste stream, at any

given time any one outer packaging may or may not include all the subsidiary hazard classes listed. Would the same generic shipping description of "Flammable liquid, toxic, corrosive, N.O.S." still be acceptable?

Thank you for your help with this.

Sincerely,



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