



Lilly Industries, Inc.

Engrum
8173.173(b)(2)
Packaging

00-0236

August 21, 2000

Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards
USDOT/RSPA (DHM10)
400 7th Street Southwest
Washington, D.C. 20590

Dear Mr. Mazzullo,

I am requesting written clarification and verification with regard to several questions related to UN-performance packaging for paint.

The first questions relate to the exemption provided for paint. 49 CFR 173.173(b)(2) states that paint shipped in metal packaging of not over 1 gallon each, packed in a strong outer packaging are exempt if packages conform to subpart B requirements. We are shipping paint in 1 gallon containers that meet subpart B requirements. The questions are: what constitutes a "strong outer packaging" and are we indeed exempt from having UN-performance packaging per 49 CFR 173.173(b)(2)?

The next question is related to the UN-performance packaging specifications. Can UN-performance packaging be used even if the total weight of the container slightly exceed the marked/tested weight of the outer box?

I have enclosed a telephone log from a conversation an individual at our corporate office had with Liz at the USDOT Hazardous Materials Information Line. At this time I am requesting written verification and clarification to these questions.

If you have any questions or need further information, please do not hesitate to contact me at 309-762-7546. Thank you.

Sincerely,

Sheri Adams
Compliance Manager
Lilly Industries, Inc. Moline

Enclosure