



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

NOV 27 2000

Ms. Julie Coughlin  
University of Hawaii at Manoa  
St. John 307  
3190 Maile Way  
Honolulu, HI 96822

Ref. No. 00-0298

Dear Ms. Coughlin:

This is in response to your October 24, 2000, letter requesting clarification of shipments of agricultural samples packaged with dry ice under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if agricultural samples frozen with more than 2.3 kg (5 pounds) of dry ice shipped to a chemistry laboratory for analysis are excepted from shipping paper and certification requirements under the provisions of § 173.217(e).

The answer is no. The exception from the shipping paper and certification requirements under § 173.217(e) is limited to the transportation of material for diagnosis or treatment (i.e., the diagnosis or treatment of humans or animals).

I hope this satisfies your request.

Sincerely,

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

# University of Hawaii at Manoa

College of Tropical Agriculture and Human Resources  
Department of Plant and Environmental Protection Sciences  
St. John 307 + 3190 Maile Way + Honolulu, Hawaii 96822

October 24, 2000

Mr. Edward Nazzullo  
Director, Office of Hazardous Materials Standards  
USDOT/RSPA (DHM-10)  
400 Seventh Street SW  
Washington, DC 20590

Dear Mr. Nazzullo,

I would like to clarify an earlier request for a letter of interpretation regarding a specific packaging exception. In reference to my letter dated August 25, 2000 to your office, I requested clarification regarding the 49 CFR, Part 173.217. I plan to ship frozen experimental samples packed in dry ice, using Federal Express Air Transportation. Each box shipped contains frozen, untreated or pesticide-treated agricultural commodities packed in approximately 15 kg of dry ice per package. More or less dry ice is packed depending on the specific agriculture crop sample to be shipped, but we always require more than 2.3 kg of dry ice per package.

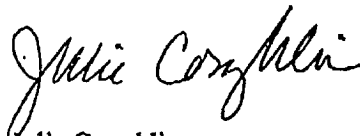
I am aware of the exception you described in your letter (175.10(a)(13)(i)). This exception would allow us to ship our samples (excepted from the HMR) providing the amount of dry ice is less than 2.3 kg per package. Unfortunately, this doesn't apply because we pack more than 2.3 kg dry ice per package.

I wanted clarification as to whether this type of shipment would fall under the exception 173.217 (e). I would like some clarification as to whether our agricultural samples fall under the category of: "material being refrigerated is used for diagnostic or treatment purposes (e.g., frozen medical specimens)." (from Part 173.217, paragraph (e)). I want to make sure that these diagnostic samples fit the description listed in paragraph (e), and that it's OK to use this exemption for my shipments. The samples are shipped to chemistry laboratories for residue analysis to support pesticide tolerances, therefore, they are "for diagnostic (or treatment) purposes".

I would like to use this exception if it is applicable because the shipping paper and certification requirements are excepted. Shipping costs are considerably less if we don't have to ship our samples as dangerous goods.

Thank you for taking the time to consider my request. Please call if you have any questions.

Sincerely,



Julie Coughlin  
Research Associate, Univ. of Hawaii