



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

MAY 27 2003

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

Mr. Tim O'Callaghan
Hazardous Materials Management Officer
Environmental Health and Safety Office
University of Hawai'i at Mānoa
2040 East-West Road
Honolulu, HI 96822

Reference No. 02-0191

Dear Mr. O'Callaghan:

This is in response to your letter requesting clarification on the requirements in § 173.12 for transporting hazardous wastes in a lab pack under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We apologize for the delay in responding and any inconvenience this may have caused. Your questions are paraphrased and answered below.

Question 1. What is the definition of the term "lab pack" mentioned in § 173.12(b)?

Answer 1. We do not define the term "lab pack" in the HMR. We adopted the requirements in § 173.12 to align the HMR with regulations on lab packs issued by the Environmental Protection Agency. In general terms, a lab pack is a large outer drum containing small inner packagings that are filled with various compatible laboratory hazardous wastes.

Question 2. Would several small containers of hazardous material or hazardous waste, or both, of the same hazard class (e.g., oxidizers such as sodium nitrate, potassium nitrate, and calcium nitrate) packed in a larger DOT-approved container be a lab pack?

Answer 2. The answer is yes, provided the packaging meets the requirements in § 173.12.

Question 3. Would several small containers of one hazardous material or hazardous waste (e.g., potassium nitrate) placed together in one larger DOT-approved container be a lab pack?

Answer 3. The answer is the same as in Answer 2.

Question 4. Section 173.12(b) limits transportation of lab packs to highway only. The University of Hawaii at Mānoa is a party to Exemption DOT-E 10933, which permits lab packs to be transported by rail and vessel with additional restrictions. Paragraph 8a of the exemption states: "A person who is not a holder of this exemption who receives a package covered by this exemption may re-offer it for



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transportation provided no modifications or changes are made to the package and it is re-offered for transportation in conformance with this exemption and the HMR.”

- (a) If the University hires a contractor to package hazardous waste materials under University direction and supervision and the University representative signs the waste manifest as the generator, is it necessary for the contractor to be a party to the exemption? The contractor personnel have all the required training to perform the work.

Answer (4a). The answer is no.

- (b) Under the same circumstances described in question 4(a), if the University hires a contractor to package the hazardous waste and then transport it to point A, is the contractor required to be a party to the exemption?

Answer 4(b). The answer is no. Paragraph 10 of DOT-E 10933 requires the carrier to place a copy of this exemption aboard each motor vehicle or cargo vessel used to transport packages conforming to this exemption.

Question 5. How do the requirements in § 173.12(b) relate to the requirements in §§ 173.4, 173.150, 173.151, 173.152, 173.153, 173.154, and 173.155? Specifically, can a hazardous waste lab pack be transported by vessel without an exemption if the applicable requirements in § 173.4 or §§ 173.150 through 173.155 are met?

Answer 5. The answer is no; hazardous wastes that are offered for transportation under § 173.12(b)(1) are restricted to transportation for disposal or recovery by highway only. For transportation by vessel, an exemption must be obtained under the provisions of 49 CFR Part 107, Subpart B.

I hope this satisfies your request.

Sincerely,



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

UNIVERSITY OF HAWAII AT MĀNOA

Environmental Health and Safety Office

July 11, 2002

Via Facsimile (202) 366-3012

Director of Hazardous Material Standards
Safety, Research and Special Programs Administration
U. S. Department of Transportation
400 Seventh Street S.W.
Washington, D.C. 20590-001

Dear Director:

The University of Hawaii is a large quantity generator of hazardous waste. There are no EPA disposal sites in the state of Hawaii and therefore all of our regulated waste must be shipped to the continental U.S. for disposal. This letter requests a clarification of certain Department of Transportation regulations concerning the shipment of hazardous waste materials as follows:

1. The term "labpack" is mentioned in 49 CFR 173.12 (b) is there a specific definition for this term?
2. Would several small containers of hazardous material/hazardous waste of the same hazard class (e.g., sodium nitrate, potassium nitrate, and calcium nitrate) contained in a larger DOT approved container be a "labpack"?
3. Would several small containers of one hazardous material/hazardous waste (e.g., potassium nitrate) contained in a larger DOT approved container be a "labpack"?
4. 49 CFR 173.12 (b) limits transportation of "labpacks" to highway only. An exemption, DOT E-10933 (copy attached) authorizes transportation of "labpacks" by rail and vessel with additional restrictions. Paragraph 8a states: "A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to

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Hazardous Waste
Exceptions

02-0191

Director of Hazardous Material Standards
July 11, 2002
Page 2.

the package and it is reoffered for transportaion in conformance with this exemption and the HMR." The University of Hawaii at Manoa has applied to become a party to this exemption.

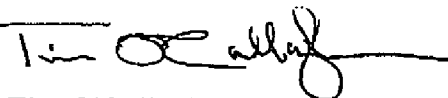
a. If the University hires a contractor to package hazardous waste materials under University direction and supervision and the University representative signs the waste manifest as the generator, is it necessary for the contractor to be a party to the exemption? The contractor personnel have all of the required training to perform the work.

b. Under the same circumstances described in paragraph 4a above, if the contractor hired by the University to pack the waste is also the contractor who will be the first transporter of the hazardous waste, is the contractor required to be a party to the exemption?

5. How do the requirements in 49 CFR 173.12 (b) relate to the requirements in 49 CFR 173.4 and 173.150, 173.151, 173.152, 173.153, 173.154, and 173.155? Specifically, can hazardous waste materials, which would be considered as "labpacks" be transported by vessel without an exemption to 49 CFR 173.12 (b) if the requirements of 49 CFR 173.4 (small quantity) or 49 CFR 173.150 to 173.155 (limited quantity) as applicable are met?

If you need any further information to answer these questions, please contact me at (808) 956-3198 or at ocallagh@hawaii.edu. Thank you for your assistance in this matter.

Very truly yours,



Tim O'Callaghan
Hazardous Material Management Officer