



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

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

JUN 9 2003

Ms. Sue Eaton
Wal Mart Stores
Return Center 8098
1901 S.E. Tenth Street
Bentonville, Arkansas 72716

Ref. No.: 02-0212

Dear Ms. Eaton:

This responds to your letter regarding shipping a material described as "Waste Consumer Commodity, ORM-D" as prescribed in § 173.156 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We apologize for the delay in responding and hope it has not caused any inconvenience. You provided photocopies of the boxes and pallet.

Your company's waste products include aerosols, and bags of fertilizer that have been damaged or are no longer saleable, shipped from distribution centers to a waste site in an exclusive use vehicle. The aerosols are packaged in a UN 4G fiberboard box with a plastic liner. The boxes are closed and stacked on a 4-way pallet. The bags of fertilizer are repaired and shrink-wrapped. The entire skid or pallet (containing boxes and bags) is then shrink-wrapped and marked. You asked if the above described configuration is considered to be "unitized", and thus limited to a maximum weight of 550 pounds on one pallet.

Exceptions for shipment of a material described as "Waste Consumer Commodity, ORM-D" are provided in § 173.156. Strong outer packagings, marking requirements specified in part 172 of the HMR, and the 30 kg (66 pounds) gross weight limitations are not required for materials classed as ORM-D when: (1) unitized in cages, carts, boxes or similar overpacks (e.g., boxes shrink-wrapped on a pallet); (2) transported by rail, private or contract motor carrier, or common carrier in a vehicle under exclusive use for such service; and (3) transported to or from a manufacturer, a distribution center, or a retail outlet, or transported to a disposal facility from one offeror.

When offered or transported by highway or rail between a manufacturer, a distribution center, and a retail outlet, the 30 kg (66 pounds) gross weight limitation does not apply provided: (1) inner packagings conform to the quantity limits for inner packages in §§ 173.150(b), 173.152(b), 173.154(b), 173.155(b) and 173.306(a) and (b); (2) the inner packages are packed into corrugated fiberboard trays to prevent movement; (3) the trays are placed in a fiberboard box which is banded and



020212

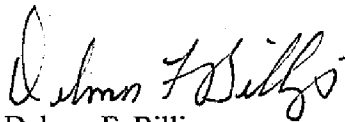
173.156

secured to a wooden pallet by metal, fabric, or plastic straps to form a single palletized unit; (4) the package conforms to the general requirements for packagings in §§ 173.24 and 173.24a; and (5) the package is marked in accordance with § 172.316. The maximum net quantity of hazardous material permitted on one palletized unit is 250 kg (550 pounds). (See § 173.156(b)(1) and (2)).

Packages, such as your company's "damaged or repaired bags of fertilizer," which are damaged, defective, or found leaking hazardous materials may not be transported unless placed in a metal or plastic removable head salvage drum that is compatible with the lading and shipped for repackaging or disposal. The drum must be a UN 1A2, 1B2, 1N2 or 1H2 tested and marked for Packing Group III or higher performance standards for liquids or solids and a leakproofness test of 20 kPa (3 psig). Alternatively, a drum manufactured prior to October 1, 1993 as a salvage drum may be used in accordance with the provisions of § 173.3(c) in effect on September 30, 1991. Capacity of the drum may not exceed 450 L (119 gallons). Each package must be marked with the proper shipping name of the material and the name and address of the consignee. In addition, the packaging must be marked "SALVAGE" or "SALVAGE DRUM". For your information, the "bags" of fertilizer probably do not qualify as a Consumer commodity, ORM-D (i.e., inner packaging and outer packaging requirements).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



Delmer F. Billings

Chief, Standards Development

Office of Hazardous Materials Standards

Wal★Mart Stores, Inc.
Return Center 8098
1901 S.E. Tenth Street
Bentonville, Arkansas
72716

WAL★MART

Sue Eaton, Merchandise Coordinator
(501)277- 6016
fax (501)277-6023

429

August 9, 2002

Mr. Edward Mazzullo, DHM-10
Director-Office of Hazardous Materials Standards
US DOT/RSPA
400 7th Street, S.W.
Washington, DC 20590-001

Dear Mr. Mazzullo:

The purpose of this correspondence is to request regulatory clarification on shipping Waste, Consumer Commodity, ORM-D, as outlined in 173.156.

Our operation generates a large amount of aerosols and fertilizer that has been damaged, or is no longer saleable. It all falls in the above area.

We ship this material from our distribution centers to a waste site, using an exclusive use carrier.

We package the aerosols in a 4G box with a plastic liner. The box is properly sealed and stacked on a 4-way pallet with other like boxes. The bags of fertilizer are repaired and shrink-wrapped. The entire skid is then shrink-wrapped and properly marked for transportation.

The carrier has informed us that the above pallet and boxes are considered to be "unitized"; and as such, are limited to a maximum weight of 550 pounds on one pallet, under 173.156(2)(v).

We have maintained that since the product is packaged in a 4G box and sealed, that it is not considered to be "unitized". The same applies to the bags.

Engrum
§173.156

ORM-D

02-0212

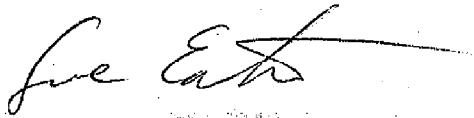
If we floor loaded each carton and bag in a trailer would they be considered as "unitized"?

The carrier has requested that we use an intermediate IBC.

I have enclosed some pictures of the box currently being used as well as a finished, ready to ship pallet.

Your assistance with a regulatory-based interpretation will be very helpful to our transporter and us. I look forward to your written response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue Eath". The signature is written in dark ink and is positioned above a large, faint, circular stamp that is mostly illegible due to fading.

cc Chuck Johnston

