



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

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

APR 3- 2003

Mr. Mike Jennings
Leslie's Poolmart, Inc.
3925 E. Broadway Rd., Suite 100
Phoenix, AZ 85040

Ref. No. 03-0023

Dear Mr. Jennings:

This is in response to your letter concerning the segregation and separation requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a shrink-wrapped pallet of Class 8 (corrosive) liquids and a shrink-wrapped pallet of Class 5.1 (oxidizer) hazardous materials may serve to satisfy the separation requirements in § 177.848(e)(3). You believe the shrink wrap would prevent the commingling of the hazardous materials.

The answer is no. A packaging may not be used to satisfy the requirements of § 177.848(e)(3). In accordance with paragraph (e)(3), separation must be accomplished by a means of physical separation, such as non-permeable barriers, non-reactive freight, or non-combustible, non-reactive absorbents between the packagings of hazardous materials required to be separated. The integrity of a packaging may not be used as a physical barrier because if the packaging should fail, commingling of the hazardous materials could not be prevented.

I hope you find this information helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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



030023

177.848



McIntyre
 §177.848
 Segregation
 03-0023

January 23, 2003

VIA FACSIMILE

Mr. Edward Mazzullo
 Director, Office of Hazardous Materials Standards
 US DOT-RSPA (DHM-10)
 400 7th Street Southwest
 Washington, D.C. 20590-0001
 Fax (202) 366-3012

Segregation of Hazardous Materials per 49 CFR 177.848

Dear Mr. Mazzullo,

Please comment on whether or not the following procedure for loading and transporting a class 8 corrosive liquid and a class 5.1 oxidizer would meet the separation and non-adjacent loading requirements of 49 CFR 177.848.

Class 8 corrosive liquids on a pallet wrapped from top to bottom (including the pallet) with shrink-wrap placed next to a separate pallet containing a class 5.1 oxidizer and also shrink-wrapped in the same fashion. The shrink-wrap around each pallet acts as the barrier to prevent commingling of the two products. Because each pallet is shrink wrapped, you might say a double barrier of protection exists as opposed to just one of the pallets being shrink-wrapped.

Please fax your response to my attention at 602-366-3921 or, if you prefer, my mailing address is:

Leslie's Poolmart, Inc.
 Attn. Mike Jennings
 3925 E. Broadway Road, Suite 100
 Phoenix, AZ 85040

Thank you,

Mike Jennings
 Manager, Regulatory Affairs
 Leslie's Poolmart, Inc.