



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

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

JUL 11 2003

Mr. Donald H. Hausmann
HAZMATPAC Certified Packaging
5301 Polk Street, Building 18
Houston, Texas 77023

Reference No.: 03-0025

Dear Mr. Hausmann:

This is in response to your January 29, 2003 letter requesting clarification of the requirements in § 173.27(e) in the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) and the exception in that section which states:

"Absorbent material is not required if the inner packagings are so protected that breakage of them and leakage of their contents from the outer packaging is not likely to occur during normal conditions of transportation."

In general terms, absorbent materials are not required when a material specified in the first sentence of § 173.27(e) is offered for transportation in a UN standard package which meets the applicable performance tests in the HMR. One exception would be if absorbent material is specifically required by the packaging instructions applicable to the hazardous material contained in the packaging. See for example, the ICAO Technical Instructions, Packing Instruction 304, particular packing requirements 6 and 13 which require the use of absorbent material without exception. A second exception is where the actual "normal conditions of transport" which the package may experience are not adequately addressed by the performance tests associated with a particular UN standard. As stated in 49 CFR 178.601(a), the performance test procedures "are considered minimum requirements" and "each packaging must be manufactured and assembled so as to be capable of successfully passing the prescribed tests and of conforming to the requirements of § 173.24 . . . at all times while in transportation." If packages experience particularly harsh treatment in a distribution system which



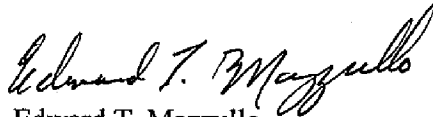
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may result in breakage or leakage, even though the packages have passed UN performance tests, absorbent material may be necessary to ensure that the effectiveness of the packaging is not substantially reduced and there is no release of the hazardous material from the outer packaging.

Further clarification on the use of absorbent material will be addressed in a future rulemaking.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward T. Mazzullo".

Edward T. Mazzullo

Director, Office of Hazardous Materials
Standards

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January 29, 2003

Betts Webb
§173.27(e)
Packagings
03-0025

Office of Hazardous Material Standards
Mr. Edward T. Mazzullo
Research and Special Programs Administration
Department of Transportation
400 Seventh St. SW, Room 8321
Washington, DC 20590-0001

Dear Mr. Mazzullo,

I am requesting a written response to this letter. In the section 173.27 section (e) states "Absorbent material is not required if the inner packagings are so protected that breakage of them and leakage of their contents from the outer packaging is not likely to occur under normal conditions of transportation".

Knowing the basic reason or justification for the United Nations testing is to determine if a package is safe for transport and inner container cannot breakage and still pass the test, does it not stand for reason that if a packaging passes the United Nations testing then it would meet the criteria to not require absorbent material.

If not, what additional testing would meet this requirement. If some additional testing would allow a packaging to meet the criteria, why are these tests not currently required to pass the United Nations objective of safe transport.

To restate my question " If a package is tested to meet the United Nations performance requirements and passes without absorbent material, does the passing of the test allow for the elimination of absorbent material for air shipments?".

If it does not, my next question is "What additional tests are required to meet the elimination of absorbent material for air shipments?".

If additional testing would be required for meets the elimination of absorbent material, "why are these tests not currently required for all United Nations testing?".

I look forward to your response, I can be contacted at the above address with any questions.

Respectfully,


Donald H. Hausmann