



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

OCT 1 2003

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

Officer George Barber  
California Highway Patrol  
P.O. Box 1471  
Oroville, CA 95965

Ref. No.: 03-0195

Dear Officer Barber:

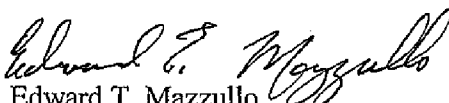
This responds to your letter regarding requirements for poisons and foodstuffs transported in the same motor vehicle under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

While performing an inspection on a vehicle transporting a variety of hazardous materials classed as Division 6.1 (poison), PG I, Poison Inhalation Hazard, Hazard Zone B; Class 3 (flammable liquid); Class 8 (corrosive) liquid; Division 4.1 (flammable solid); Division 4.3 (dangerous when wet); and Division 5.1 (oxidizer), you encountered food grade items, that is, sucrose, yeast extract, and water, on the same transport vehicle. The chemicals and food grade items were marked as "not intended for consumption". Fischer Scientific ships these items as laboratory supplies to various customers. You ask whether the segregation requirements in §177.841(e) of the HMR apply to such items.

Since these products were marked "not intended for consumption", they are not considered to be "foodstuffs, feed or other edible materials" intended for consumption by humans or animals, as addressed in §177.841(e), and are not subject to the restrictions prescribed in that section. Components of food products are subject to regulation in the same manner. If the components are marked "not intended for consumption", they are not subject to the restrictions in §177.841(e). Therefore, when Fischer Scientific manufactures and marks such items not intended for consumption, they are not subject to the prohibitions prescribed in §177.841(e) for poisonous materials in the same motor vehicle with foodstuffs.

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

Sincerely,

  
Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards



030195

177.841(e)

State of California—Business, Transportation and Housing Agency

GRAY DAVIS, Governor

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

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April 25, 2003

File No.: 010665



Engram  
§ 177.841(e)  
Foodstuffs  
03-0195

To: U.S. Department of Transportation  
Research and Special Programs Administration  
400 Seventh Street S.W.  
Washington, DC 20590

From: Officer George Barber 10665

Please provide a letter of interpretation on the following issue relating to poisons and food transported in the same vehicle.

While performing a vehicle inspection on a vehicle transporting hazardous materials classed as 6.1, PGI, Poison Inhalation Hazard Zone B, Class 3, Class 8 liquid, Class 4.1, Class 4.3, and Class 5.1, I encountered several items that I determined to be food grade items. One item was sucrose, another was yeast extract, and water was the third item. The chemicals and food grade items were shipped by Fischer Scientific and were marked as "not intended for consumption". Fischer Scientific distributes these items as laboratory supplies to various customers through out the industry.

My questions are as follows: (1) Since Fischer Scientific distributes these items to customers throughout the world and has no influence on the "intended" use of the items by the end user, are the segregation rules relating to foods and poisons applicable to the transportation of food grade items and poisons in Section 177.841(e) during shipments of these items from one Fischer Scientific location (warehouse) to another Fischer Scientific location (distribution center).

(2) The text of Section 177.841 states "foodstuffs, feed or edible material intended for consumption by humans or animals" does the definition include edible compounds, additives or components that could be included in edible materials, such as yeast extract, sucrose, and water, even if the component was manufactured and marked "not intended for consumption"?

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