



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

FEB 22 2006

Mr. John H. Rutherford
Inland Paperboard and
Packaging, Inc.
8501 Moller Road
Indianapolis, IN 46268

Ref. No. 04-0068

Dear Mr. Rutherford:

This responds to your letter requesting clarification of the non-bulk packaging testing requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether it is permissible for the inner packaging of a combination packaging design to leak when drop tested. In the scenario you describe, the leaking inner packaging contains a non-regulated material. The inner packagings containing regulated hazardous materials in the combination packaging design do not leak when subjected to the drop test protocol under § 178.603. I apologize for the delay in responding and any inconvenience it may have caused.

The answer to your question is no. Under § 178.603(f)(4) of the HMR, there may be no leakage of the filling substance from the inner packaging(s) of a combination or composite packaging design, hazardous or otherwise, in order to successfully pass the drop test. In addition, the leaking substance, hazardous or otherwise, may have an adverse effect on inner or outer packaging integrity under conditions encountered while in transportation.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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



040068

178.601 (g)(1)

3/29/04

Inland Paperboard and Packaging, Inc.
8501 Moller Road
Indianapolis, IN 46268

Stevens
Webb
§ 178.601(g)(1)
Testing
04-0068



INLAND
A Temple-Inland Company

March 19, 2004

Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th St. SW
Washington, D.C. 20590

Dear Mr. Mazzullo:

I have a question about testing we have been doing for one of our customers under 49CFR 178.601 (g)(1), Selective testing for combination packagings, Variation 1. I have talked with the Hazmat Information Center about this issue a couple of times, and have gotten conflicting answers, so I need a definitive interpretation please.

The customer packs various sizes of PET and HDPE plastic bottles inside an outer fibreboard shipper. They also include in these shippers various sized bags of non-hazardous powder which is part of the mixture for their product. The bags are a lightweight plastic that is thermally sealed, but are similar in construction to an off-the-counter sandwich bag. The powder can be sodium benzoate, sodium citrate or aspartame and are not considered hazardous. The bottles contain liquids that are either PC I or PG III hazardous materials.

In some orientations of the drop tests we noted that the bags were getting punctured by the bottles. However, since the bags contained non-hazmat product we questioned the Information Center as to whether we could still pass the test because the hazmat-containing bottles did fine. We were told that as long as the outer shipper contained the powder within it, we could pass the drop test. We believe that we can contain the powder by using a gusseted heavy-gauge plastic bag liner inside the shipper, so we passed the test.

Later, another configuration of this V I shipper included one bottle of liquid hazardous material surrounded by four, hard-plastic widemouth bottles containing non-hazardous powder again. Upon dropping these combination packagings some of the powder bottles broke, while the hazmat bottle survived fine. We asked the Information Center the same question about whether we can pass the box anyway as long as we contain the powder inside the shipper by using the gusseted bag. This time we were told no, the plastic bottle must meet the same requirements as the bottle containing the hazardous material.

So you can see, I have received conflicting information. Please tell me: if I can contain the non-hazardous powder within the box by using a heavy plastic liner, and if the hazmat containers remain intact during testing, can I or can I not pass the drop test if the powder containers (plastic bottle or plastic bag) are damaged?