



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

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

NOV 17 2004

Mr. Grant Ure  
Univar USA, Inc., Chemcare  
8979 Seeger Industrial Drive  
St. Louis, MO 63134

Reference No. 04-0091

Dear Mr. Ure:

This is in response to your letter and subsequent telephone conversations with Ms. Eileen Edmonson of my staff and Mr. Steve Hwang of our Office of Hazardous Materials Technology asking how to apply the provision under § 173.24(b)(4) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Section 173.24(b)(4) prohibits a package from transportation if a hazardous material residue adheres to the outside of the package. Your questions relate to paint residues left on the outer sides of a steel drum. We apologize for the delay in responding and any inconvenience this may have caused. Your questions are paraphrased and answered as follows:

Q1. The painter wipes spilled paint from the top of a steel drum leaving behind a slightly visible amount of smeared paint. Is this package acceptable in transportation under the HMR?

A1. Yes. Based on the information you provided, it is the opinion of this office that the dried paint smear on the outside of the drum no longer meets the definition of a flammable liquid or other hazard class under the HMR. Therefore, provided the package conforms to all other applicable requirements under the HMR, it may be offered for transportation.

Q2. Paint drips down the front side of the steel drum and dries to a hard finish. Is this package acceptable for transport under the HMR?

A2. Yes, for the same reasons as in answer A1.

Q3. Paint drips down the back side of the steel drum and dries to a tacky finish. Is this package acceptable for transport under the HMR?



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173.24(b)(4)

A3. No. As you stated in your telephone conversation with Mr. Hwang, paint dried to a tacky finish may meet the definitions of a "liquid" as prescribed in § 171.8 and of a Class 3 (flammable liquid) material as prescribed in § 173.120. In this case, the residue may not remain on the outer side of the package during transport.

I hope this information is helpful.

Sincerely,

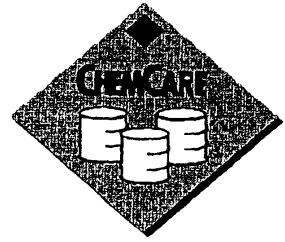
A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned below the word "Sincerely,".

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




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St. Louis, Missouri 63134  
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Edmonson  
§ 173.24(b)(4)  
Residue  
04-0090



**FAX**

DATE: 4/14/04

<b>TO: Edward Mazzullo</b>	<b>FROM: Grant Ure</b>
<b>CO: Research and Special Programs Administration</b>	<b>UNIVAR USA INC. CHEMCARE</b>
<b>FAX #: 202-366-3012</b>	<b>FAX #: 314-522-1186</b>
<b>REF: Questions on regulations</b>	 Visit us on the web at <a href="http://www.univarusa.com">www.univarusa.com</a>

Hello Mr. Mazzullo,

This fax is a request for clarification on a section of regulation **49 CFR 173.24(b)(4)**; "There will be no hazardous material residue adhering to the outside of the package during transport."

The questions I have relate to the matter of residue on the outside of the package; specifically, how clean is clean?

For each of the examples below, would the drum satisfy the above section of the regulation?

**Example;** A painter pours his spent paint, hazardous by flammability only, into a steel drum, some of it drips on the top and down the sides.

**Question 1:** The painter uses a rag to wipe the spilled paint from the top leaving just a hint of smeared color. Does the slight visible paint smear disqualify it or is this acceptable?

**Question 2:** The drip on front side is left to dry to a hard finish. Is this acceptable?

**Question 3:** The drip down the backside dries to a tacky finish. Is this acceptable?

Thank you for taking your time to provide this information. I looking forward to hearing your response.

Grant Ure