



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

APR 28 2006

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

Mr. Peter Olsen
Transportation Systems Solutions
318 Hampshire Lane
Crystal Lake, IL 60014

Ref. No. 06-0083

Dear Mr. Olsen:

This is in response to your April 6, 2006 letter requesting clarification regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the shipment of empty packagings with residue. Specifically, you ask if the requirement in § 173.24(b)(4), which prohibits hazardous material residue from adhering to the outside of a package during transport, applies to an empty packaging with residue.

The answer is yes. The HMR do not allow any package to be transported with hazardous material on the outside surface. However, if a package containing hazardous material is emptied and some of the material is spilled on the outer surface of the packaging and dries, it may be transported if the dried residue does not meet the definition of a hazardous material and the package still meets the general packaging requirement in Part 173, Subpart B.

I hope this information is helpful.

Sincerely,

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



060083

173.24(b)(4)



Transportation Systems Solutions

Satterthwaite
§ 173.24
§ 173.29
Empty
06-0083

318 Hampshire Lane
Crystal Lake
Illinois, 60014
815-479-0897

U.S Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Safety
400 7th St S.W
Washington, DC 20590-0001

Dear Sir/Madam,

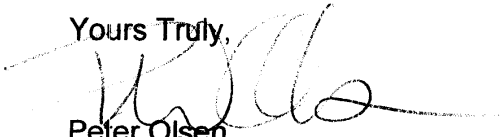
Transportation Systems Solutions (TSS) respectfully seeks an interpretation as to shipping an empty non bulk packaging, as defined in 49 CFR 173.29, that is a packaging containing only the residue of a hazardous material, in relation to the constraints of 49 CFR 173.24(b)(4), namely there will be no hazardous material residue adhering to the outside of the package during transport. Does the requirement of 49 CFR 173.24(b)(4) apply to shipping an empty residue containing packaging? Given that the packaging meets the requirements for an empty packaging, that is it still has residue internally in the package (but unloaded to the maximum extent possible), and given that the packaging will be shipped by private carrier with all labels and markings as when the packaging was received full, and given that the packaging will be reconditioned, recycled or refilled once it reaches its destination does the issue of external residue, not free liquid, adhering to the outside of the package apply to the transport of such an empty packaging?

TSS respectfully submits that if the residue in the empty packaging meets definition as per 49 CFR 171.8 is it not plausible that it is the same residue as per definition adhering to the outside of the packaging and therefore providing the empty packaging is handled and shipped as per the requirements of 49 CFR 173.29 then the constraints of 173.24(b)(4) should not apply?

It is Transportation Systems Solutions intention that this interpretation be applicable to shipping empty residue containing non bulk packagings only as per the requirements of 49 CFR 173.29. This will facilitate a more effective and compliant disposal means for generators of non bulk packagings such as a drums that during the course of emptying have had some of their hazardous contents spilled to create a residue on the outside of the drum.

I thank you for your assistance in this matter and look forward to your response.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Peter Olsen', written over the text 'Yours Truly,'.

Peter Olsen
TSS