



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

NOV 01 2013

Ms. Stacey Gorka
Transportation Manager
KIK Custom Products – Classic Division
909 Magnolia Ave.
Auburndale, FL 33823

Ref. No.: 13-0173

Dear Ms. Gorka:

This is in response to your August 20, 2013 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to highway segregation requirements. You state that your company offers for transportation by highway a bleach solution which you have classified as a corrosive material UN 1791, hypochlorite solution in packing group (PG) III in various packaging configurations, and that the product is always offered as a limited quantity. You further state your company offers for transportation on the same truck, but not in the same package, packages containing a 2-3% ammonia solution which you have deemed as not regulated for transport purposes. You ask for conformation that it is not a violation of §§ 177.848 or 173.24(e)(4) to offer these two materials for transportation by highway on the same transport vehicle.

These two commodities may be offered for transportation in the same transport vehicle based on the information provided in your email. As your shipments only consist of one commodity considered to be a hazardous material under the HMR, no segregation in accordance with § 177.848 is required. In your incoming email you note that the mixed contents paragraph in § 173.24(e)(4) prohibits hazardous materials from being packed or mixed together in the same outer packaging with other hazardous or nonhazardous materials if such materials are capable of reacting dangerously with each other. This requirement is not applicable to your situation, as you note in your email that you do not offer the two commodities in question in the same package.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Webb
3173.154(b)
3177.848

From: INFOCNTR (PHMSA)
Sent: Tuesday, August 20, 2013 4:46 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Requesting formal Letter of Interpretation

Exception or Segregation
13-0173

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Stacey Gorka [mailto:SGorka@KIKCORP.com]
Sent: Tuesday, August 20, 2013 4:10 PM
To: INFOCNTR (PHMSA)
Subject: Requesting formal Letter of Interpretation

Attached are the MSDS sheets for an 8.25% bleach and 2-3% ammonia that we ship at KIK Custom Products.

I have a customer that is requesting a formal letter of interpretation advising it is ok to ship these two products on the same truck via ground transport.

The 8.25% bleach we ship as limited quantity due to the pack sizes we ship. We ship a 12/30oz case, a 8/64oz case, a 3/121oz case, and a 4/128oz case. All inner packages less than 1.3 gallons and the case weight is not greater than 66lbs. The ammonia we ship is NOT regulated by DOT as our MSDS states.

Below – is what I emailed to my customer in black print I verified this information with my representative at Infotrac as well before sending. I need a letter from DOT confirming and explaining that it is ok for KIK to ship these two products together on the same truck. It can be emailed to me and mailed to KIK Custom Products, 909 Magnolia Avenue, Auburndale, FL 33823. Attention: Stacey Gorka, Transportation Manager

“Let me explain the bleach first.

The 8.25% bleach is a Class 8 corrosive material, UN 1791, Hypochlorite Solution, PG III. If you look up this item in your 49 CFR regulation guide you will see that Hypochlorite Solution, PG III falls under 49 CFR 173.154 – Exceptions for Class 8 (corrosive materials)

173.154 (b) states the following. Limited quantities of corrosive material (Class 8) in Packaging Groups II and III are **excepted from labeling requirements, unless the material is offered for transportation by aircraft.** At the end of that paragraph it also notes “each package must conform to the packaging requirements of subpart B of this part and may not exceed 30KG (66lbs) gross weight.

173.154 (b) part 2 states the following. For corrosive materials in Packaging Group III, inner packages not over 5.0L (1.3 gallons) net capacity each for liquids. The 64oz bleach you receive is less than 1.3 gallons.

Next, the ammonia we ship is NOT regulated by DOT as shown on our MSDS sheet.

Now, please reference 177.848 Segregation of Hazardous Materials. 177.848 (a) states the following: This section applies to materials that meet one or more of the hazard classes defined in this subchapter and are 1) In packages that **MUST** be

labeled or placarded in accordance with part 172 of this subchapter. Since the 8.25 % bleach is **excepted from labeling requirements, unless the material is offered for transportation by aircraft**, and the Ammonia is not regulated by DOT we do not need to follow the segregation chart since the neither of the packages need to be labeled or placarded. Therefore the segregation chart does not apply to these 2 items when shipping.

However, this leads me to the common sense regulation, which can trump all other regulations. Please reference 173.24 (e) that states the following: Compatibility (1) Even though certain packagings are specified in this part, it is nevertheless, the responsibility of the person offering a hazardous material for transportation to ensure that such packages are compatible with their lading. This particularly applies to corrosivity, permeability, softening, premature aging, and embrittlement. Then note part 4 that states the following: (4) Mixed contents. Hazardous materials may not be packed or mixed together in the same outer packaging with other hazardous or nonhazardous materials if such materials are capable of reacting dangerously with each other. Bleach and ammonia can react, so therefore KIK as a shipper does NOT pack these materials in the same box and present for transport. They are always shipped on separate pallets on a truck to avoid a reaction if we were to have an issue during transportation.

I hope this answers your question. I have also requested a letter of interpretation from DOT to further follow up this discussion. However, this will not be available for 6-8 weeks. When I do receive it, I will forward this on to you.

Let me know if you have any further questions.”

Please advise when this letter can be sent to me.

Thanks -

Stacey Gorka
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