



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 05 2014

Mr. Frank Hannah
JBE Enterprises
P.O. Box 291882
Port Orange, FL 32127

Ref. No. 13-0189

Dear Mr. Hannah:

This responds to your September 13, 2013 request for clarification on the shipment of air bags and seat-belt pretensioners under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you purchase recycled automobile parts, including air bags and seat-belt pretensioners, and resell them to consumers.

Your questions regarding the shipment of air bags are paraphrased and answered as follows:

Q1. Does the HMR permit the shipment of more than one device in a single approved package, (i.e., a driver air bag, passenger air bag and seat-belt pretensioners, shipped in one box)?

A1. The answer is yes, provided the devices are packaged in an authorized packaging specified in § 173.166(e).

Q2. If the devices in Q1 must be packaged separately, is an overpack authorized? If an overpack is used, what are the labeling requirements?

A2. While the devices in Q1 may be contained in a single approved package, an overpack as defined in § 171.8 may also be used in order to consolidate packaged air bags and devices provided the requirements of § 173.25 are met. Each overpack must be labeled for each hazardous material it contains, unless those labels are visible.

Q3. Would a steering wheel assembly not attached to the steering column, be considered a "completed component" and excepted from the HMR, as provided in § 173.166(d)(1)?

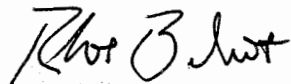
A3. Yes. Provided the device is protected against damage in all orientations, it may be considered a "completed component."

Q4. What is the definition of the term “recycling” as used in § 173.166? Could salvaged air bags and seat-belt pretensioners shipped as individual pieces to consumers be considered “shipments for recycling”?

A4. The HMR does not specifically define “recycling” in § 171.8. However, a conventional definition for “recycling” is a process for making ready or recovering for reuse. Shipments of salvaged air bags and seat-belt pretensioners shipped as individual pieces to consumers would meet this definition of “recycling” for recycling and reuse. If the process for salvaging air bags or seat-belt pretensioners changes the design in any way that constitutes a different packaging as defined in § 178.601(c)(4) or is inconsistent with the EX approval issued for the air bag or seat-belt pretensioner, it may need to be re-approved in accordance with § 173.166(b).

I hope this answers your inquiry. If you need additional assistance, please contact this office at 202-366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Benedict". The signature is written in a cursive, slightly slanted style.

Robert Benedict
Chief, Regulations Development Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Boothe
8173.166

From: INFOCNTR (PHMSA)
Sent: Friday, September 13, 2013 4:24 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Shipping Used Airbags and Pretentioners to Consumers

Air Bags
13-0189

Hi Carolyn,

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

Thanks,
Victoria

JBE Enterprises
P.O. Box 291982
Port Orange, FL
32127

From: Frank Hannah [<mailto:frankjbe@gmail.com>]
Sent: Friday, September 13, 2013 3:23 PM
To: PHMSA HM InfoCenter
Cc: Brian C
Subject: Shipping Used Airbags and Pretentioners to Consumers

Mr. Hannah would like this to be submitted for a formal interpretation

Completed by AE via phone on 9/13/13 at 4:06

Hello,

We purchase recycled automobile parts, in quantity, and resell them individually to consumers.

Among the parts we sell are various types of airbags, and seat belt pretensioners. When we ship them, currently through UPS, we follow DOT regulations, using the proper labeling and 4G boxes. We have some questions regarding these shipments.

1) If we sell a single individual more than one device, can we package the shipment in a single approved package? For example, if we sell one consumer a driver airbag, passenger airbag and set of seat belts with pretensioners, can we put them all in one box, or do we need to put them in individual boxes?

If we must use a box for each item, can we put the boxes in to an overpack, and still make one shipment? If we do use an overpack, what labeling requirements do we have to meet?

2) Title 49, section 173.166, d (1) indicates airbags or pretentioners that are part of completed components, do not have to meet the requirements of this subchapter. The examples of completed components given are steering columns and door panels. Would a steering wheel assembly be such a components, even if it was not attached to the steering column?

3) Title 49, section 173.166, d, (4) is titled Shipments for Recycling. What is the definition of a shipment for recycling? When we purchase salvaged airbags and pretentioners they come in bulk, but when we sell them we ship individual pieces to consumers. Are ours "shipments for recycling"?

We have spoken to several people at the info center regarding these questions. While they have been very helpful, their answers have been a little ambiguous, so we would very much appreciate as clear and specific answers as you are able to provide. We want to do things right, but, since it adds considerable expense, need to understand exactly what is required.

Thank you,

Frank Hannah