



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**MAY 15 2014**

Mr. Tristam Harrington  
Corporate Transportation Procurement Manager  
500 Hogsback Road  
Mason, MI 48854

Ref. No.: 14-0068

Dear Mr. Harrington:

This is in response to your email dated March 31, 2014, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipments of polymeric beads, expandable and plastic molding compounds, and the definition of hermetically sealed. Your questions are paraphrased and answered as follows:

Q1. Does the “or” in § 176.907(c)(1) separate, “packed in hermetically sealed packagings” from the temperature and pressure requirements of the IBC’s packing group II performance level for liquid dangerous goods?

A1. The answer to your question is no. The “or” in this section separates packed in hermetically sealed packagings from IBC’s. To be excepted from the requirements of paragraphs (a) and (b), shipments would have to be offered in hermetically sealed packaging (either non-bulk packaging or IBC’s) that meet the performance packing group level and pressure requirements found in § 176.907(c)(1). The hermetically sealed requirement, performance packing group level, and pressure requirements apply to all packagings including IBC’s. As an IBC is a type of packaging it is noted that the use of the phrase “non-bulk packaging” instead of “packaging” in § 176.907(c)(1) would be more appropriate. PHMSA may revise this section in a future rulemaking.

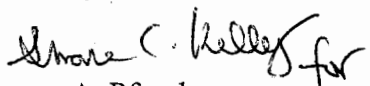
Q2. The definition of hermetically sealed as given in § 171.8 states “Hermetically sealed means closed by fusion, gasketing, crimping, or equivalent means so that no gas or vapor can enter or escape.” If one of the seals listed above is used and prevents gas or vapor from entering or escaping and the packaging is made of a suitable material so the strength of the material used and the construction of the bag is appropriate to the capacity of the bag and its intended use, and that joins and closures withstand pressures and impacts liable to occur under normal conditions of transport, does this meet the requirements of § 176.907 as being hermetically sealed.

A2. The definition of hermetically sealed in § 171.8 does apply to packagings considered under § 176.907(c)(1). From your incoming letter it appears you are asking about the possibility of utilizing “bags” to comply with the requirements of § 176.907(c)(1). It is important to note in order to utilize the exception from transporting polymeric beads, expandable and plastic molding compounds in ventilated cargo transport units, the package

must be capable of conforming to packing group II performance level for liquid dangerous goods and meet the applicable pressure requirements shown in § 176.907(c)(1). This office is unaware of any flexible bag type IBC's that are able to meet these requirements.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Duane C. Kelley for". The signature is written in a cursive style.

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

Webb  
§ 176.907 (c)(1)

**Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, April 01, 2014 11:19 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Letter of Interpretation Request regarding section 176.907 (c) (1) and requirements for hermetically sealed.

Vessel  
14-0068

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation after speaking with Adam Lucas in the HMIC on 3/31/14.

Thanks,  
Victoria

**From:** [Tristam.Harrington@dart.biz](mailto:Tristam.Harrington@dart.biz) [mailto:Tristam.Harrington@dart.biz]  
**Sent:** Monday, March 31, 2014 6:22 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Letter of Interpretation Request regarding section 176.907 (c) (1) and requirements for hermetically sealed.

Dart Container is looking for a Letter of Interpretation pursuant to the following two items related to the below article of Title 49

Q1) Does the "or" highlighted in red lettering in section 176.907 (c) (1) separate, "Packed in hermetically sealed packagings" from the temperature and pressure requirements of the IBC's packaging group II performance level for liquid dangerous goods?

§176.907 Polymeric Beads and Plastic Molding Compounds.

(c) The requirements in paragraph (a) and (b) of this section do not apply if the hazardous material is:

(1) Packed in hermetically sealed packagings **or** IBC's which conform to packing group II performance level for liquid dangerous goods with a total pressure in the packaging (i.e., the vapor pressure of the material plus the partial pressure of air or other inert gases, less 100kPa (15 psia)) at 55 °C (131 °F), determined on the basis of the hazardous material not completely filling the receptacle at a temperature of 55 °C (131 °C) or less at a filling temperature of 15 °C (59 °F), will not exceed two-thirds of the marked test pressure.

Q2) The definition of hermetically sealed as given in section §171.8 states

*Hermetically sealed* means closed by fusion, gasketing, crimping, or equivalent means so that no gas or vapor can enter or escape.

If one of the seals listed above is used and prevents gas or vapor from entering or escaping and the packaging is made of a suitable material so the strength of the material used and the construction of the bag is appropriate to the capacity of the bag and its intended use, and that joins and closures withstand pressures and impacts liable to occur under normal conditions of transport, does this meet the requirements of 176.907 as being hermetically sealed?

Your clarification of our interpretation will be most appreciated.

**Tristam Harrington**  
**Corporate Transportation Procurement Manager**  
**Dart Container Corporation**

Mason, MI 48834  
517-244-3945

