



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

OCT 24 2014

Jamie Newton
Waste Disposal Coordinator
Environmental Management, Inc.
P.O. Box 700
Guthrie, OK 73044-0700

Ref. No. 14-0069

Dear Mr. Newton:

This responds to your March 20, 2014 request for clarification on the shipping and packaging of Division 6.1, Packing Group I waste materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, in your incoming letter you state you have several small containers of potassium dichromate and sodium dichromate packed in UN 1H2 plastic drums destined for a disposal facility. You state these materials meet the definition for both Division 6.1 and 5.1 and are considered packing group (PG) I materials. Further, the materials are chemically compatible and are not eligible for the lab pack packaging exception in § 173.12(b)(3). Your questions are paraphrased and answered below:

Q1. Is it acceptable to pack small containers of potassium dichromate and sodium dichromate described as "UN 3086, waste toxic solids, oxidizing, n.o.s. (potassium dichromate, sodium dichromate), 6.1 (5.1), PG I," inside a single UN 1H2 plastic drum that conforms to the PG I standards?

A1. Yes, provided the materials are properly classed and described and the completed package and shipment otherwise complies with the requirements of the HMR including the general packaging requirements of §§ 173.24 (which covers compatibility; see §§ 173.24(e)) and 173.24a. Section 173.211 authorizes packagings for material described as "UN 3086, waste toxic solids, oxidizing, n.o.s. (potassium dichromate, sodium dichromate), 6.1(5.1)" including UN 1H2 single packaging and 1H2 combination packaging. Note, however, that a single UN 1H2 plastic drum may not be used for transport by air; and a UN 1H2 combination packaging must be tested with inner packagings consisting of glass, earthenware, plastic, or metal receptacles or glass ampoules.

Q2. Would it be permitted to use the proper shipping description "UN 3086, waste toxic solids, oxidizing, n.o.s. (potassium dichromate, sodium dichromate), 6.1 (5.1), PG I" to describe both materials in the packaging scenario described in Q1?

A2. It is the shipper's responsibility to properly classify and describe a hazardous material. If an appropriate technical name is not shown in the § 172.101 hazardous materials table for a particular material, you must select a generic or n.o.s. description that most appropriately describes the material corresponding to the hazard class, packing group, and subsidiary hazard (§ 172.101(c)(12)(ii)). If it happens that multiple materials (in this case, potassium dichromate and sodium dichromate) share the same hazard class, packing group (PG), and subsidiary hazard, then they may be described by the same generic or n.o.s. description and must include the technical name of the material(s) contributing to the hazard. Separate entries for materials in the same packaging are not needed on the shipping paper unless the materials have different PGs. With regard to the package marking, separate markings need not be used for materials sharing the same description (but with differing PGs) because only the proper shipping name (and technical name if subject to § 172.203(k)) and UN number are required by § 172.301(a)(1). Thus, for a package containing multiple materials sharing the same hazardous materials description, one marking with the proper shipping name, UN number, and technical names of the materials contributing to the hazard may be used. Note that the word waste may only be included preceding the proper shipping name if the material is a hazardous waste as defined in § 171.8 (see § 172.101(c)(9)). Note also that for the package marking, the proper shipping name for a hazardous waste does not need to include the word waste if the package bears the EPA marking required by 40 CFR 262.32.

Q3. Can hazardous materials that are chemically compatible and share the same hazard class be described on a shipping document using a generic description with the technical names of chemicals that most contribute to the hazard and be packed together (utilizing the most restrictive packing group)?

A3. See also A1 and A2.

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

Sincerely,



Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division



Environmental MANAGEMENT

March 20, 2014

USDOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
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Washington, DC 20590-0001

To Whom It May Concern:

Please accept this letter as a request for formal interpretation from your office. Environmental Management, Inc., wishes to receive further clarification on the packaging and shipping of Class 6.1, Packing Group I, materials.

Question 1: We have several small containers of Potassium Dichromate (6.1, subclass 5.1, PG I) and Sodium Dichromate (also 6.1, subclass 5.1, PG I) that are destined for a disposal facility. These items are chemically compatible and are not eligible for the lab pack packaging exemption afforded in 173.12(b)(3). Is it acceptable to pack all these small containers in one outer packaging which conforms to the Packing Group I standards and use the proper shipping name UN3086, Waste Toxic Solids, Oxidizing, N.O.S. (Potassium Dichromate, Sodium Dichromate), 6.1(5.1), PG I?

Question 2: If the packaging from Question 1 is acceptable but the suggested shipping description is not allowed, how should this container be described on the shipping document?

Question 3: Can hazardous materials and/or wastes that are chemically compatible and share the same hazard class be packed together (utilizing the most restrictive packing group) and described on a shipping document using a generic shipping name with the technical names of at least two of the chemicals that most contribute to the hazards?

Thank you in advance for your time and input on these questions. Please contact me at jnewton@emiok.com or (405)282-8510 if there is a need for clarification to adequately address these questions.

Regards,

Jamie Newton
Waste Disposal Coordinator

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§173.12 (b)(3)
Exceptions for Waste Materials
14-0069

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