



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

DEC 23 2014

Mr. Mike Alston
Transportation Compliance Associates, Inc.
1340 RT 30
Clinton, PA 15026

Ref. No. 14-0142

Dear Mr. Alston:

This is a response to your July 7, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to the use of exceptions for limited quantity and ORM-D materials. In your incoming letter, you describe a packaging that consists of multiple cardboard trays that are stacked and placed on a wooden pallet. This display is then surrounded by cardboard sheeting and banded to the pallet. You also provide photographs showing the packaging. Your questions are paraphrased and answered below.

Q1. Does the packaging configuration as described meet the definition of a "box," in accordance with § 171.8?

A1. Yes. A box is defined in § 171.8 as a packaging with complete rectangular or polygonal faces. It is the opinion of this Office that your configuration would meet this definition.

Q2. Would the packaging configuration as described satisfy the requirement of § 173.156(b)(1)(i) for unitizing in boxes?

A2. Yes. The configuration you describe would be acceptable for use of the exception found in § 173.156(b)(1) provided the inner packagings otherwise met the applicable limited quantity requirements specified in § 173.306(a) and it is transported in compliance with § 173.156(b)(1)(ii) and (iii).

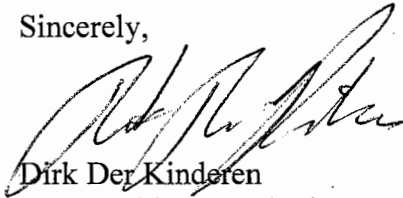
Q3. Would the packaging configuration as described satisfy the requirements of § 173.156(b)(2)(iii)?

A3. No. In order to use the exception found in § 173.156(b)(2), all requirements under that paragraph must be met. Section 173.156(b)(2)(iii) states that the trays are placed in a fiberboard box which is banded and secured to a wooden pallet by metal, fabric, or plastic straps, to form a single palletized unit. Based on your configuration

the bottom of the tray is being used as the bottom face of the box. This exception requires the trays be placed in a fiberboard box (having a bottom face). The bottom face provides a protective layer between the trays and the open slats of the pallet. Therefore, if the tray is acting as the bottom face of the box it would not satisfy this requirement. However, if an additional cardboard sheet was placed between the bottom of the tray and the pallet (as if it was the bottom face of a fiberboard box), the packaging configuration would be considered acceptable for the purposes of this exception.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

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

Suchak
173.156
limited quantity
14-0142

Transportation Compliance Associates Inc.

Developing Partnerships In Compliance Safety

724-899-4100 Office

www.Hazmat-1.com

724-899-5049 Fax

July 7, 2014

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

RE: Interpretation Request 49 CFR §173.156 Exceptions for Limited Quantity and ORM-D and §171.8

Dear Hazardous Materials Administrator:

I would like to receive an interpretation of the regulations with respect to the definition of a box as defined in 49 CFR §171.8 and the pictures I included with this letter. The four pictures represent a display that is being shipped from a manufacturer to a retail outlet and contains hazardous and non-hazardous materials. The hazardous materials are aerosols UN1950 and meet the definition of an ORM-D material. The pictures illustrate a display which has multiple cardboard trays that are stacked on top of each other and placed directly on a wooden pallet. The display is then surrounded by corrugated cardboard sheeting to protect the sides of the display and then banded to the pallet. As you can see from the pictures the corrugated sheeting appears to resemble a box with the tray of the display acting as the bottom of the box. Based on the definition of a box we believe that we met the definition.

Question # 1-In the limited quantity section 173.156(b)(1)(i) it states the packagings must be placed in a strong outer package described as "unitized in cages, carts, boxes or similar over packs". Would you agree that we meet this requirement based on the construction and pictures provided?

In the limited quantity section 173.156(b)(2), the regulation provides that the 66-pound limitation does not apply provided that a package is offered for transportation between a manufacturer and a retail outlet and: (i) the inner packagings conform to Section 173.306(a); (ii) the inner packagings are packed into corrugated fiberboard trays to prevent them from moving freely; (iii) the trays are placed into a fiberboard box which is banded and secured to a wooden pallet; (iv) the package conforms to general packaging requirements of subpart B; (v) the maximum net quantity of HAZMAT does not exceed 550 pounds per pallet; and (vi) the package is marked in accordance with Section 172.315.

Question #2-Does the package shown in the pictures and using the construction stated, does it meet the definition of fiberboard box as defined in 171.8 and meet the requirement of 173.156(b)(2)(iii)?

Transportation Compliance Associates Inc.

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724-899-4100 Office

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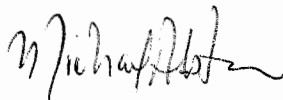
724-899-5049 Fax

I appreciate and look forward to your response to these questions. If you need further clarification, please contact me directly on my cellphone at 412 651 8776.

Please forward your response to:

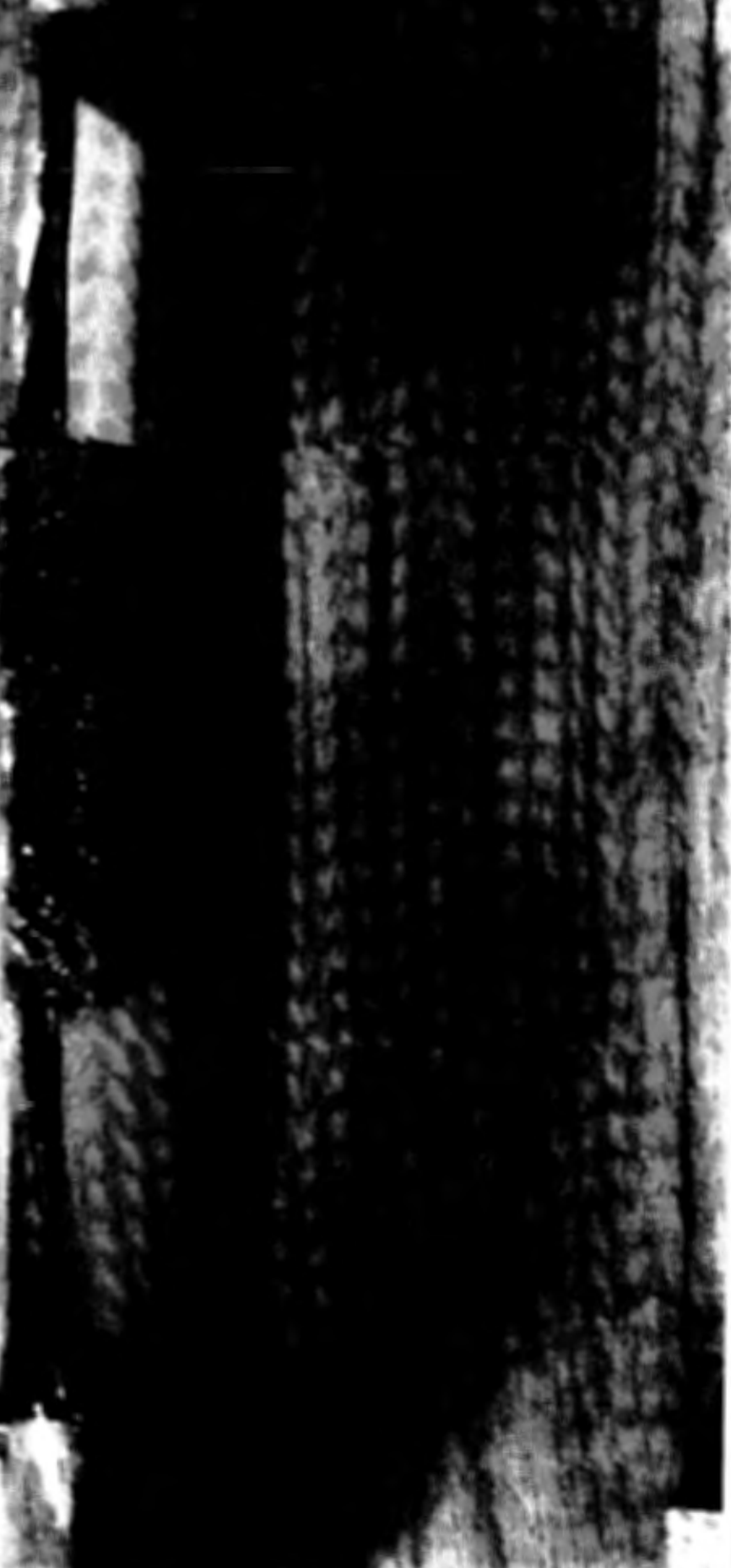
Mike Alston
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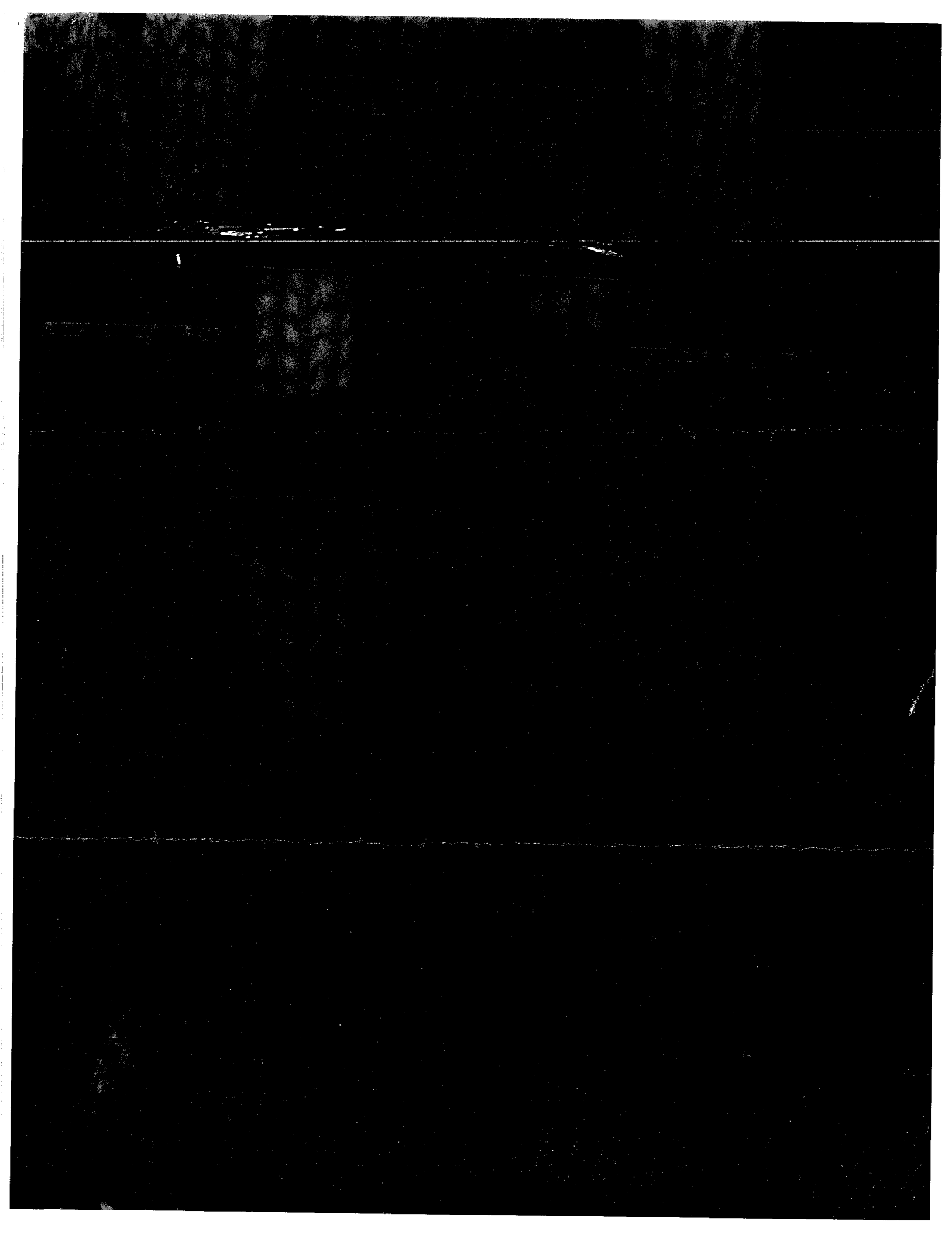
Best Regards,



Mike Alston

**DO NOT TOUCH
FRAGILE**





A/C MINI PALLET DISPLAY
MODEL AC39-EMPTY



↑ 119472

↑ 119473

↑ 119474

119472 119473 119474