



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 31 2017

Andrew Romach
Regulatory Compliance Manager
URS Corporation
1600 Perimeter Park Drive
Suite 400
Morrisville, NC 27560

Reference No. 16-0160

Dear Mr. Romach:

This letter is in response to your September 30, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to aerosol cans on shrink-wrapped trays. Specifically, you ask whether it is acceptable to ship aerosol cans under the provisions of § 173.25(b) if the cans are shrink-wrapped together and glued to a tray without using additional shrink-wrap to hold both the cans and tray in place.

The answer is no. In order to use a tray as an outer packaging in accordance with § 173.25(b), the inner packagings (in this scenario, the aerosol cans) must be shrink-wrapped or stretch-wrapped to the tray.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

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

Casey
\$173.25(6)
Limited Quantity
16-0160

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Friday, September 30, 2016 3:07 PM
To: Hazmat Interps
Subject: FW: Request for written DOT interpretation
Attachments: DOT interpretation shrink wrap aerosol 09302016.pdf

Hi Shante/Alice,

Please submit this as a letter of interpretation. Ms. Norris spoke with Eamonn.

Please let me know if you have any questions.

Thanks,
Jordan

From: Norris, Carolyn [<mailto:carolyn.norris@aecom.com>]
Sent: Friday, September 30, 2016 11:52 AM
To: PHMSA HM InfoCenter
Cc: Romach, Andy
Subject: Request for written DOT interpretation

Dear Infocenter,

I have attached a request for a written DOT interpretation. Please let me know if you have any questions.

Thank you in advance for your assistance.

Thanks,

Carolyn Norris, DGSA
Senior Project Scientist/Project Manager, EHS Department
D 1-919-461-1238 F 1-919-461-1371
Carolyn.norris@aecom.com

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September 30, 2016

Mr. Charles Betts, Division Director
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Betts:

I am writing to request a written Department of Transportation (DOT) interpretation concerning whether the below described scenario would be considered "shrink-wrapped or stretch-wrapped trays" and authorized for the limited quantity exception in 49 CFR 173.25(b).

Scenario: The inner packagings (six aerosol cans) are shrink-wrapped together. The shrink-wrap encloses only the aerosol cans. This shrink-wrapped bundle of aerosol cans is then structurally and strongly affixed with glue to a cardboard tray.

We asked this question of the Hazardous Material Information Center, receiving input from Eileen Edmonson (standards) and Ben Moore (non-bulk packaging engineer) who both concurred that based on the regulatory text in 49 CFR 173.25(b), this scenario would be allowed. They stated that there is nothing in the regulations that would require the shrink-wrap or stretch-wrap to attach the inner containers to the tray. So long as the inner containers, which are shrink wrapped together, are structurally and strongly affixed to the tray, and meet the criteria of 49 CFR 173.24, they saw no reason not to allow this.

Please provide written confirmation that the above-described scenario would be acceptable to meet the requirement of 49 CFR 173.25(b).

I appreciate your assistance with this question.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Romach".

Andrew N. Romach
Regulatory Compliance Manager
URS Corporation