



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

Office of the Chief Counsel

400 Seventh Street, S.W.
Room 8417
Washington, D.C. 20590

MAR - 8 2005

Mr. Daniel J. Van Kuren
MIS Manager
Gebauer Company
4444 East 153rd Street
Cleveland, OH 44128

Dear Mr. Van Kuren;

This is in response to your February 9, 2005 letter regarding permissibility to ship a non-regulated product packaged in the same outer packaging under the Hazardous Materials Regulations (HMR; 49 C.F.R. Parts 171-180). Specifically, you ask if a regulated product in shipping class 2.1 and a non-regulated product may be packaged in the same UN shipping box.

Hazardous materials may not be packed or mixed together in the same outer packaging with another material, hazardous or non-hazardous, if such materials are likely to cause, upon mixing, a dangerous evolution of heat; flammable, poisonous gases or vapors; or formation of corrosive by-product materials. See 49 C.F.R. § 173.21(e). Even though the HMR may specify a certain packaging for a particular material, it is, nonetheless, the responsibility of the person offering a hazardous material for transportation to ensure that such packagings are compatible with their lading. See 49 C.F.R. § 173.24(e)(1). I hope this satisfies your request.

Sincerely,

Joseph Solomey
Assistant Chief Counsel
Hazardous Materials Safety Law Division