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DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

INTERPRETATION

Int. No. 87-5-RSPA

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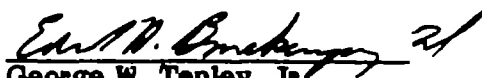
FACTS: Request for an interpretation of 49 CFR § 173.12, regarding how § 173.12 applies to hazardous substances and poisonous materials, particularly poisonous liquids that are toxic-by-inhalation. Paragraph (a) of § 173.12 states:

"Waste material . . . are excepted from the specification packaging requirements of this subchapter if packaged in combination packagings in accordance with this section In addition, a generic proper shipping name from § 172.101 may be used in place of specific chemical names, when two or more waste materials in the same hazard class are packaged in the same outside packaging ["labpacks"], provided the waste materials are chemically compatible."

The request for interpretation involves four specific questions concerning § 173.12: (1) Does § 173.12 provide an exception to the additional poison and hazardous substance identification requirements of § 172.203(c) and (k); (2) Does § 173.12 apply when additional requirements are imposed by other sections (e.g., §§ 172.203, 172.301(a), 172.324); (3) How is § 173.12 affected by the marking requirements adopted under HM-196 and HM-145F; and (4) When combinations of waste stream sources are contained in the same labpack are waste stream numbers for each source to appear on the outside packaging and shipping papers.

INTERPRETATION: Section 173.12 provides exceptions for shipments of waste materials and allows the use of "labpacks." However, § 173.12 does not relieve shippers of all the requirements of the Hazardous Materials Regulations [HMR], and there are limitations on the use of the exceptions in that section. First, § 173.12 is not intended to provide an exception from the description requirements of either paragraphs (c) or (k) of § 172.203. Second, § 173.12 does not grant relief from specific shipping paper and marking requirements such as those contained in §§ 172.203, 172.301, and 172.324. Moreover, regardless of § 173.12, materials that meet the toxic-by-inhalation requirements of § 173.3a pose extreme safety hazards and must be packaged as prescribed in § 173.3a. Third, § 173.12 does not provide exceptions from the requirements adopted under HM-196 and HM-145F. Under HM-145F, each hazardous substance contained in a "labpack" must be identified as required by § 172.324. Generic shipping names may be used only if the specific

chemical names required by §§ 172.203 and 172.324 are included in the shipping descriptions. Last, if samples of different waste streams are contained within a labpack, each stream must be identified with the appropriate waste stream number on the shipping papers and the outside packages.

for 
George W. Tenley, Jr.
Office of the Chief Counsel
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Administration

ISSUED: JUN 2 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Interpretation 87-5-RSPA: ABSTRACT

The exceptions in § 173.12 do not relieve shippers of all the requirements of the Hazardous Materials Regulations [HMR] and there are numerous restrictions on use of the exceptions in that section. Initially, § 173.12 is not intended to provide an exception from the description requirements of either paragraphs (c) or (k) of § 172.203. Secondly, § 173.12 does not grant relief from specific shipping paper and marking requirements such as those contained in §§ 172.203, 172.301, and 172.324. Moreover, materials that meet the toxic-by-inhalation requirements of § 173.3a must be packaged and accompanied by the communication paperwork prescribed in the HMR's. Thirdly, § 173.12 does not except the requirements that are adopted under Dockets HM-196 and HM-145F. Under HM-145F, each hazardous substance contained in a "Labpack" must be identified as required by § 172.324. Lastly, if samples of different waste streams are contained within a labpack, each stream must be identified with an appropriate number on the shipping papers and on the outside packages.

Interpretation 87-5-RSPA: SECTIONS AFFECTED

49 CFR § 172.101
49 CFR § 172.203
49 CFR § 172.301(a)
49 CFR § 172.324
49 CFR § 172.203(c)
49 CFR § 172.203(k)
49 CFR § 173.12

Docket No. HM-196, 50 Fed. Reg. 41,092 (1985)
(to be codified at 49 C.F.R. Parts 172 & 173).
Docket No. HM-145F, 51 Fed. Reg. 42,174 (1986)
(to be codified at 49 C.F.R. Parts 172 & 173).

Interpretation 87-5-RSPA: KEY WORDS

Exceptions-Packaging
Labpacks
Packaging Requirements
Poisonous Materials
Toxic-by-inhalation
Waste Streams