



U.S. Department of Transportation

**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

AUG 28 2009

Mr. John P. J. Madden
President
Hibrett Puratex
7001 Westfield Avenue
Pennsauken, NJ 08110

Ref. No.: 09-0157

Dear Mr. Madden:

This responds to your letter dated July 10, 2009, regarding the stacking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about stacking packages containing either hazardous or non-hazardous materials on top of a skid containing four 55-gallon drums of Class 8 material.

Your letter provides several examples of stacking configurations, as follows:

- Example 1:** 4 x 55 gallon drums of a Class 8 (Corrosive) on a skid stretch wrapped with 5 gallon pails or 4 x 1-gallon cases stretch wrapped on top.
- Example 2:** 4 x 55 gallon drums of a Class 8 (Corrosive) on a skid stretch wrapped with several 50 pound bags stretch wrapped on top.
- Example 3:** 4 x 55 gallon drums of a Class 8 (Corrosive) on a skid stretch wrapped with empty, new containers secured on top.

Section 178.606 contains requirements for stacking non-bulk packagings. All non-bulk packaging design types other than bags must be subjected to a stacking test. The duration of the stacking test must be for 24 hours, except for plastic drums, jerricans, and composite packaging 6HH intended for liquids. These packagings intended for liquids must be subjected to a stacking test for a period of 28 days. When using a combination packaging where the outer packaging is a plastic drum or jerrican and the inner packaging is intended for liquids, the plastic drum or jerrican would be subject to the 24-hour stacking test, not the 28-day requirement (See § 178.606(c)(1)).

For the purposes of periodic retesting, the stacking test may be done in accordance with § 178.606(c)(1) or, as an alternative, the packaging design may be tested using a dynamic compression testing machine as described under § 178.606(c)(2)(ii). The dynamic compression testing machine is only authorized for periodic retesting and may not be

used when performing design qualification testing on a new packaging design type (e.g., “a different packaging” as defined under § 178.601(c)(4)).

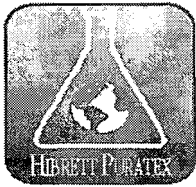
Provided your non-bulk packagings, other than bags, have been subjected to the design type tests and periodic retests applicable to stacking requirements, you may stack your products in the manner provided in your examples.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is written in a cursive style with a large initial "C" and "B".

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



HIBRETT PURATEX

7001 Westfield Avenue
Pennsauken, NJ. 08110
Phone 856-662-1717
Toll Free 800-260-5124
Fax 856-662-0550
www.hibrettpuratex.com

Engrum
§ 178.606
Segregation
09-0157

Friday, July 10, 2009

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

Ladies & Gentlemen:

Please advise where in CFR 49 I can find the regulations governing the following examples of stowing HAZMAT cargo.

4 x 55 gallon drums of a class 8 corrosive on a skid stretch wrapped with 5 gallon pails or 4x1 gallon cases stretch wrapped on top

4 x 55 gallon drums of a class 8 corrosive on a skid stretch wrapped with several 50 # bags stretch wrapped on top

4 x 55 gallon drums of a class 8 corrosive on a skid stretch wrapped with empty, new containers secured on top

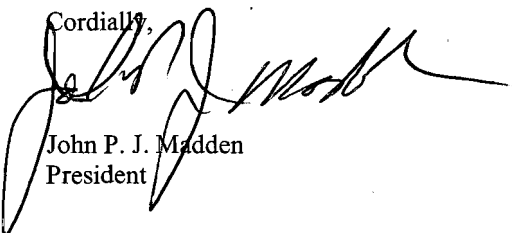
In both examples the material in the pails and bags would be either non hazmat or hazmat but compatible with the contents in the drums.

The underlying issues for us are how to send to a customer small packages at the same time a full skid of product is being delivered or how to pick from our vendors new packaging when the truck has no available floor space.

Can you help us understand how to do this but remain in compliance. We have had a policy of never placing any cargo on top of a container of a hazmat but we have seen examples of such shipments.

Thank you!

Cordially,


John P. J. Madden
President