



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

FEB 29 2011

Ms. Misha Gonzales
Shipping and Receiving
Environmental Management
P.O. Box 700
Guthrie, OK 73044

Ref. No. 11-0054

Dear Ms. Gonzales:

This responds to your February 25, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask us to clarify the packaging specifications pertaining to certain waste materials that are toxic by inhalation in Hazard Class 6.1, Packing Group I. You indicate that you do not wish to take advantage of the exceptions provided in § 173.12(b). Your questions are paraphrased and answered as follows:

Q1. May we pack four 32-ounce containers of UN1809, Phosphorus trichloride, 6.1 (8), PG I, Hazard Zone B, in one outer container?

A1. The answer to your question is yes, as long as the combination packagings comply with the specifications of § 173.227. Section 173.227(a) allows materials poisonous by inhalation, in Division 6.1, Packing Group I, Hazard Zone B, to be transported in packagings as authorized in § 173.226. Section 173.226(c) specifies combination packaging consisting of an inner packaging system and an outer packaging. The inner packaging system consists of an impact-resistant inner receptacle packed within a leak-tight packaging. This combination packaging in turn is packed within the outer packaging. The total amount of liquid contained in the outer packaging must not exceed 16 L (4 gallons). Both the inner packaging system and the outer packaging must conform to the performance test requirements of subpart M of part 178.

Q2. May we pack two 32-ounce containers of UN1605, Ethylene dibromide, 6.1, PG I, Hazard Zone B, and two containers of UN2487, Phenyl isocyanate, 6.1 (3), PG I, Hazard Zone B, in one outer container?

A2. Yes, provided Ethylene dibromide and Phenyl isocyanate are not capable of reacting dangerously with each other and will not cause combustion or dangerous evolution of heat; evolution of flammable, poisonous, or asphyxiant gases; or formation of unstable or corrosive materials (see §§ 173.21(e) and 173.24(e)(4)). It is the shipper's responsibility to determine whether any of these dangerous reactions can occur. Shippers may use a variety of methods to determine whether or not a hazardous material will react dangerously with other materials in a

packaging, including testing or similar analysis, experience, information from a Material Safety Data Sheet, or information from publications or reference material pertaining to chemicals and their interactions.

Q3. If the answer to Q2. Is "yes," may we use the proper shipping description UN2929, Toxic liquid, flammable, organic, n.o.s., (Ethylene dibromide, phenyl isocyanate), 6.1 (3), PG I, Hazard Zone B?

A3. The answer to your question is no. When selecting a proper shipping name, the shipper must select the name that most appropriately describes the material (see § 172.101(c)(12)).

I hope this information is helpful. If you have further questions, please contact this office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is written in a cursive, flowing style.

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division



**Environmental
MANAGEMENT**

Winter

~~Engrum~~
§ 173.12
§ 172.101

Exceptions

11-0054

February 25, 2011

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

To Whom It May Concern:

Please accept this letter as a request for a formal interpretation from your office. Environmental Management, Inc. wishes to receive clarification on the packaging of Class 6.1, Packing Group I, Poison Inhalation Hazard materials (any zone).

Question 1: We have four 32-ounce containers of UN1809, Phosphorous Trichloride, 6.1 (8), PG I, Poison Inhalation Hazard Zone B. We do not wish to take advantage of the exceptions provided in 49 CFR 173.12(b). Can these four containers be packed together in one outer container if we fully comply with all the requirements of the HMR for this material?

Question 2: We have two 32-ounce containers of Ethylene Dibromide and two 32-ounce containers of Phenyl Isocyanate, both of which are Class 6.1, Packing Group I and Poison Inhalation Hazard Zone B. We do not wish to take advantage of the exceptions provided in 49 CFR 173.12(b). Can these four containers be packed together in one outer container if we fully comply with all the requirements of the HMR for this material?

Question 3: If question 2 is a yes, can we use the proper shipping description:
UN2929, Toxic Liquid, Flammable, Organic, N.O.S., (Ethylene Dibromide, Phenyl Isocyanate), 6.1(3), PGI, Inhalation Hazard Zone B?

Thank you in advance for your time and input on these questions. Please contact me at mgonzales@emiok.com, or (405) 282-8510 if there is a need for clarification to adequately address these questions.

Regards,

Misha Gonzales
Shipping and Receiving

for an environment we can all live with today & tomorrow