



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

OCT 18 2011

Ms. Melissa Russell
Thermofisher
4481 Campus Drive
Kalamazoo, MI 49008

Reference No. 11-0165

Dear Ms. Russell:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the term "positive means of closure." Specifically, you ask what is the additional "positive means" of closure requirement to the tape, wire and shrink-wrap as specified in the HMR (e.g., §§ 173.4a(e)(2) and 173.27(d)) for a cap that has a tamper-evident seal ("non-backoff" cap). You state that the tamper-evident cap has a break-away ring such as the cap on a 20-ounce bottle of soda or on a gallon of milk. You also state that the non-backoff cap locks the closure to a container to avoid unwanted loosening.

In addition to tape, wire and shrink-wrap, the HMR does not specify other methods of a positive means of closure. However, it is the opinion of this Office that the tamper-evident cap you reference does not meet the HMR positive means of closure requirement. To ensure that the closures are held securely in place during transportation, you may wish to contact the packaging manufacturer for additional methods to those given as examples in the HMR.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention
Standards and Rulemaking Division

McIntyre
§173.27
Aircraft

11-0165

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, July 15, 2011 1:40 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 & 173.476)

Hi Carolyn,

This caller requested her e-mail be submitted as a letter of interpretation after speaking with me in the HMIC and being referred to interp letters 04-0011 and 09-0299.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Thursday, July 14, 2011 4:04 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 & 173.476)

Good afternoon Mr. Charles E. Betts,

We are trying to make a determination in regards to 'positive means of closure'. I understand that all closures (mine specifically is a screw-type/threaded) need to be secured in such a way to prevent loosening due to vibration or change in temperature. This can be done w/ tape, wire, shrink wrap, etc.

What is the additional 'positive closure' requirement for a cap that has a tamper evident seal or a cap that is classified as 'non-backoff'. The tamper evident cap has a break-away ring like the cap on a 20oz bottle of soda or on a gallon of milk. The non-backoff cap locks the closure to a container to avoid unwanted loosening.

Please let me know. Thanks in advance!!

Name: Melissa Russell
Email: melissa.russell@thermofisher.com
Phone: 269-544-5632