



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

FEB - 8 2002

400 Seventh St., S.W.
Washington, D.C. 20590

Ref. No. 02-0025

Mr. Gary Flaherty
LPS Industries, Inc.
10 Caesar Place
Moonachie, NJ 07074

Dear Mr. Flaherty:

This is in response to your letter requesting clarification of the requirements under the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) regarding § 173.27(c) and paragraph 5.0.2.12.2 in the International Air Transport Association's Dangerous Goods Regulations (IATA DGR). You ask whether a packaging must be retested when a supplementary packaging is used for a combination packaging for transportation by aircraft. You also ask how changes to § 173.27 impact IATA's requirement.

We have made no changes to § 173.27, however; IATA amended DGR's paragraph 5.0.2.12.2 to require a "leak-proof liner, plastic bag or other equally efficient means of containment" for a supplemental packaging. As you discussed in a telephone conversation with a member of our staff, under the HMR, you are not required to retest the combination packaging unless the addition of any of these means of containment changes the structural design of the combination packaging or its capability to meet the prescribed tests and conform to the requirements of § 173.24 (see § 178.601).

I hope this information is helpful. Please contact this office if may be of further assistance.

Sincerely,

John A. Gale
John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



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173.27



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January 22, 2002

Edward Mazzullo
Director Office of Hazardous Material Standards
(US DOT/RSPA/DHM-10)
400 7th Street SW
Washington, DC 20590

Fax 202-366-3012

Mr. Mazzullo,

LPS Industries is a manufacturer of non-bulk combination packaging. I am requesting a determination and written response regarding the changes to DOT regulation 173.27 (of CFR 49) and the impact on IATA 5.0.2.12.2; Table 5.0.B.

Our testing lab said we might need to re-test our packs to comply with these changes. I spoke with Bob Richards of your office regarding this issue. He said we are not required to re-test. Bob explained; in certain situations a shipper sending a liquid in a combination pack where the outer container is not water-tight, will have to use a liner, poly bag or other means of containment, to protect against a leak in the primary container.

Bob said this is supplemental packaging and it is the shipper's responsibility to comply with these new regulations. He told me we do not need to modify our packs.

Can you please verify in writing, the explanation I received from Bob.

Thank you for your help in this matter.

Regards,

Gary Flaherty
Office Manager
General Packaging/Hazmat Division

EXT. 312

No CHANGES
to THIS
SECTION

- flexible packaging group
- Loc-Tog[®] reclosable polyethylene bags
- Top-Loc[®] zipper profiles
- Speedy-Pax courier envelopes
- VaporFlex[®] preservation packaging
- coated products group
- Complete Label[®] prime, edp, and thermal labels and media
- Pres-Quik[®] pressure sensitive envelopes
- general packaging group
- packaging systems
- identification products
- hazardous material shippers
- static control packaging