



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

OCT 22 2004

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

Ms. Nadine Helm
Office Manager
Inland Paperboard and Packaging, Inc.
136 East York Street
Biglerville, PA 17307

Reference No. 03-0094

Dear Ms. Helm:

This is in response to a request from Ms. Sally Banks of your company concerning the recordkeeping requirements contained in § 178.601(l) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). She asked if the fiberboard box manufacturer or the facility that packages the hazardous material is required to retain the test report certifying that a knocked-down, unassembled UN 4G fiberboard box meets the performance test requirements in 49 CFR Part 178, Subpart M. Your company manufactures the box and prints the UN certification mark on the box on behalf of your customer, the UN standard package assembling facility, who performs and certifies the test results for the completed hazardous materials packagings. We apologize for the delay in responding and any inconvenience it may have caused.

Under the HMR, a fiberboard box manufacturer who provides knocked down, unassembled boxes that are certified by its customer as meeting a UN standard and assembled by the customer is considered to be a packaging component manufacturer. A packaging component manufacturer need not maintain any record of testing done on the assembled UN 4G packaging even when it may have marked the outer packaging with a certification at its customer's behest. Both the UN standard packaging facility and/or a third-party approval agency certifying design qualification tests and periodic retests must ensure the tasks you perform as a component manufacturer are done in accordance with the HMR, and they must produce and retain test reports as prescribed in § 178.601(l).

The test reports must be maintained at each location where the packaging is manufactured and each location where the design qualification tests are conducted, for as long as the packaging is produced and for at least two years thereafter. In addition, the test reports must be maintained at each location where the periodic retests are conducted until such tests are successfully performed



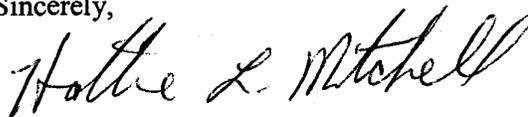
030094

178.601(k)(1)

again and a new test report produced. When requested, the test report must be made available to a user of the packaging or a representative of the Department of Transportation.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned below the word "Sincerely,".

Hattie L. Mitchell, Chief
Regulatory Review & Reinvention
Office of Hazardous Materials Standards

Edmonson
 \$178.601 (K)(1)
 Packaging
 03-0094



INLAND
 A Temple-Inland Company

facsimile transmittal

To: Info Center / Ed Mazullo Fax: 202-366-3753

From: Sally Banks Date: 3/31/03

Re: HAZMAT Letter of Interpretation Pages: 4

CC: Fax:

Urgent For Review Please Comment Please Reply Please Recycle

My customer is telling me that the box manufacturer is not required to retain a copy of the certification letter. All the recent HAZMAT training we have had at our facility tells me otherwise. The customer has referred me to a letter they received from DOT, but is 10 years old. My facility ships out a flat, printed, corrugate container. I have been under the impression that by printing the un certification marking on a carton you need to have a copy of the certification letter in case of an audit. My questions to you are:

1. Must Inland have a copy of the certification letter on file to avoid penalties and fines should a problem arise?
2. Without copies of certification paperwork, we would not be able to guarantee we were running the proper board grade or printing per the certification. Would DOT look to the actual packing facility or would it fall back to the box manufacturer?

Any answers you can give me would be greatly appreciated. My fax number is 717-677-7016 and direct line is 717-677-3156. Thank you for your time.

Sally Banks
 Sales Service

CONFIDENTIAL

The U.S. Department of Transportation (DOT) Inspection

Inspections

The Hazardous Materials Regulations (HMR) authorize federal inspections of any facility that manufactures hazmat packages [§173.3(a)]. All facilities that manufacture hazmat packages should expect an inspection. Regional DOT field offices have been established for this purpose. Following are some guidelines to help prepare for an inspection:

- Designate a person (and, if possible, an alternate) who will accompany the inspector.
- Interview the inspector prior to conducting any tour, if possible:
 - Determine the purpose for the inspection.
 - Find out what the inspector wants to see.
 - Attempt to keep the inspection focused.

A written evaluation will be provided at the end of the inspection. Review it and keep it. If violations are cited, respond within the given timeframe.

Keeping Records

Unless the inspector is investigating a specific incident, the focus of a box plant inspection is typically the hazmat records. Production files should include:

- Records of the materials used and the box design. These must be kept at least two years from final production.
- Proof of testing of certified packages, such as certification reports or other reasonable substitutes.
- Customer communications, such as authorizations of print cards, design info forms, etc.
- Appropriate quality assurance systems and documentation necessary to comply with the requirements of §178.516.
- If you are the certifying party, a copy of the instructions to the customer for assembly and closure, as appropriate. These must be kept at least two years from issuance.
- Hazmat training documentation.

It may be useful to provide a "model file" to ensure that all pertinent information is obtained and filed. In anticipation of inspections, consider duplicate files for hazmat orders (if the customer's file is required elsewhere) or some kind of hazmat order flagging system.

Page from Inlands Hazmat
training manual.



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street SW
Washington DC 20590

FEB 10 1994

Ms. Michelle Jepsen
Distribution Compliance Coordinator
Hach Company
Post Office Box 907
Ames, Iowa 50010

Dear Ms. Jepsen:

This is in response to your letter of December 2, 1993, and subsequent telephone conversations with this office concerning responsibility for retention of test records under the provisions of the Hazardous Materials Regulations (49 CFR Parts 171-180). Pertinent regulatory requirements and our opinion as to their applicability to yourself and your box suppliers are summarized in the following paragraphs:

Facts:

49 CFR 178.3(a)(2) requires that a packaging manufactured to a UN standard be marked, in part, "with the name and address or symbol of the manufacturer...certifying compliance with the UN standard. Symbols, if used, must be registered with the Associate Administrator for Hazardous Materials Safety."

49 CFR 178.3(b) specifies that packages may be marked with the UN symbol and packaging identification code only if "the person applying these marks has established that the packaging conforms to the applicable provisions of this subchapter."

49 CFR 178.601(k) requires that "the person who certifies the tested design type" shall keep records of performance tests (design qualification tests and periodic retests) "at each location where that packaging is manufactured" and at each location where design qualification tests and periodic retests are conducted.

Hach Company is a registered manufacturer (M4508) of a variety of UN 4G fiberboard boxes which are combination packagings. The outer fiberboard packagings are manufactured "knocked down" (i.e., flat and unassembled) by various fiberboard box manufacturers and marked by these manufacturers, at Hach's direction, with a specification marking which uses Hach's registration number. The combination packagings are assembled at Hach's Ames, Iowa facility. Performance testing (design qualification and periodic retests) is performed at the Hach facility and test records are retained there. No testing is done at the fiberboard box manufacturers' locations and no test records are kept.

7364
Ap 1 of 2

2

Issues:

Are the fiberboard box manufacturers required to keep test records at their manufacturing facilities? If they do not have test records, are they in violation of § 178.3(b)?

Interpretation:

The fiberboard box manufacturers are not required to keep test records at their manufacturing facilities and are not in violation of § 178.3(b) if they do not keep test records.

Discussion:

Through display of its registration number as part of the UN standard marking, Hach is the "manufacturer certifying compliance with the UN standard", as required by § 178.3(a)(2). Although Hach does not physically manufacture the packaging components, it directs their manufacture through contracts with component manufacturers (e.g., fiber box and bottle manufacturers) and assembles the components into complete packagings at its facility. As the person certifying compliance, it is obvious that Hach is responsible for keeping test records, as required by § 178.601(k).

Although the individual box manufacturers are physically applying the marks addressed in § 178.3(b), they apply them on behalf of Hach, through contractual arrangement. In effect, it is Hach that applies the marks. Therefore, they are not responsible for establishing that the packaging conforms to applicable requirements. A further argument for not holding the box manufacturers responsible for compliance with § 178.3(b) is that they are manufacturing a component of a UN packaging, rather than the packaging itself. It is Hach that manufactures the complete packaging.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,


Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

cc: Omaha Box Company
Colorado Container Corporation

7364
AP 2 of 2