



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

JUL 7 2003

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

Mr. Paul R. Counterman, P.E.  
Director, Bureau of Hazardous Waste Management  
New York State Department of Environmental Conservation  
Division of Solid and Hazardous Materials  
625 Broadway  
Albany, NY 12233-7251

Ref No. 03-0130

Dear Mr. Counterman:

This is in response to your May 14, 2003 letter, requesting further clarification of the entries "Solids containing flammable liquid, n.o.s.," "Solids containing toxic liquid, n.o.s.," and "Solids containing corrosive liquid, n.o.s." to describe used cleaning rags under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), shipped in cloth bags to commercial laundries.

The used rags are slightly dampened by the liquid soaked into them and no free liquid is visible at the time the rags are loaded or at the time the packaging is closed. The packages contain approximately 10 ml of corrosive, flammable, or toxic liquid and the total weight of each packaging is at least 25 pounds. You question whether the "cloth bags" meet the leakproofness test in § 178.604.

Under Special Provisions 47, 48, and 49, the term "no free liquid" describes the physical state when a liquid hazardous material is completely absorbed onto a solid material such that no free liquid is visible away from the solid material at the time the material is closed within the package. Provided there is no free liquid visible when the packaging is closed and at the time the rags are loaded, the shipping names listed above may be used to describe the used cleaning rags. However, if there is any free liquid in the used rags, the above listed shipping names would be inappropriate, and the used cleaning rags must be classed in accordance with the appropriate hazard class definitions.

Packages used under these special provisions must correspond to a design type that has passed a leakproofness test at the Packing Group II level. Authorized packages are found in §§ 173.212 and 173.240, for non-bulk and bulk packagings, respectively.

I hope this satisfies your inquiry.

Sincerely,

  
Susan Gorsky

Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



030130

172.101

New York State Department of Environmental Conservation  
Division of Solid and Hazardous Materials  
Bureau of Hazardous Waste Management, 8<sup>th</sup> Floor  
625 Broadway, Albany, New York 12233-7251  
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Foster

§172.101

Proper Shipping Name

03-0730

May 14, 2003

Mr. Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Mr. Billings:

Thank you for your reply of May 7, 2003 to our inquiry of February 18 (both enclosed) regarding the proper classification of used cleaning rags being shipped to commercial laundries from various businesses.

As you stated, it is the responsibility of the shipper to select the shipping name that most accurately reflects the material being shipped, but our concern is that the shipper is not performing that responsibility properly and we need to verify that this is the case.

Specifically, we need to know if cotton cloth rags containing minimal<sup>1</sup> amounts of flammable liquid, toxic liquid, or corrosive liquid -- and weighing a total of at least 25 pounds per packaging -- should nonetheless have shipping names of, respectively,

- Solids containing flammable liquid, n.o.s.,
- Solids containing toxic liquid, n.o.s., and
- Solids containing corrosive liquid, n.o.s.

Our specific concern is that these cotton cloth rags are being shipped from businesses to commercial laundries in cloth bags, which we believe would not meet the 178.604 leakproof test as required in special provisions 47, 48, and 49 that apply if the rags had one of the above shipping names. This is of importance to us because there is evidence that free liquids can squeeze out of the bags after they are stacked high during transportation and intermediate storage.

<sup>1</sup>By "minimal" we mean the rags are only slightly dampened by the liquid soaked into them, and no free liquid is visible at the time the rags are loaded or at the time the packaging is closed. In every case more than a total of 10 ml of flammable/toxic/corrosive liquid would be present in the packaging.

Mr. Delmer F. Billings

2.

We seek your determination of whether the above shipping names would apply to the cotton cloth rags described above.

Thank you for your assistance with this important matter. Please call me or William Yeman, of my staff, at (518) 402-8633 if you need additional information from us.

Sincerely,



Paul R. Counterman, P.E.  
Director  
Bureau of Hazardous Waste Regulation  
Division of Solid & Hazardous Materials

Enclosures