



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

MAR 24 2004

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

Mr. Joe Curtis
Environmental Manage
Vanderbilt Chemical Corporation
Murray Division
396 Pella Way
Murray, KY 42071

Ref. No. 04-0062

Dear Mr. Curtis:

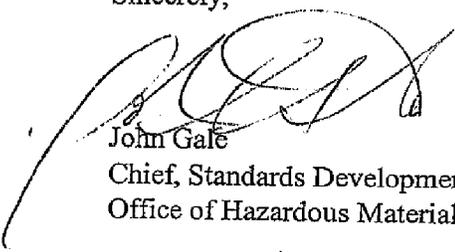
This is in response to your letter dated March 10, 2004 regarding the definition of a bulk packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the statement "...in which hazardous materials are loaded with no intermediate form of containment..." found in § 171.8 under the definition of a bulk packaging precludes you from transporting a material classed as "Toxic solid, organic, n.o.s. (zinc dimethyldithiocarbamate), 6.1, UN2811, PG I" in a "11HH2/X" intermediate bulk container (IBC) if the hazardous material is pre-packaged in small, non-specification paper bags.

As long as the material is packaged in an authorized bulk packaging the fact that it is pre-packaged in small, non-specification paper bags is not relevant. Note, however, that the bags must not react dangerously with the material or reduce the integrity of the authorized bulk packaging. According to Column 7 of the Hazardous Materials Table (HMT; § 172.101) a material that is classified as "Toxic solid, organic, n.o.s. (zinc dimethyldithiocarbamate), 6.1, UN2811, PG I" is authorized to be packaged in IBCs conforming to the requirements of Special Provision IB7. According to IB7, an IBC identified with the marking code "11HH2/X", which represents a composite IBC with a flexible inner receptacle and a plastic outer packaging that has passed all performance tests at the PG I level, is authorized.

Therefore, it is our opinion that your packaging configuration is authorized under the HMR.

I hope this satisfies your request.

Sincerely,


John Gale
Chief, Standards Development
Office of Hazardous Materials Standards



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173.427

VANDERBILT CHEMICAL CORPORATION

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Supk0
§ 173.421

Packagings 04-006Z

March 10, 2004

Via: Federal Express # 6496 2535 8023

Mr. Edward T. Mazzullo
Office of Hazardous Materials Standards
U.S. DOT, Research & Special Programs Administration
400 Seventh St., SW, DHM-10
Washington, DC 20590-0001

Dear Mr. Mazzullo:

Subject: Request for Interpretation

Vanderbilt Chemical Corporation is a wholly owned manufacturing subsidiary of R.T. Vanderbilt Company Incorporated (collectively Vanderbilt). Vanderbilt manufactures, sells and distributes chemicals around the world. Some of these chemicals are hazardous materials pursuant to Title 49 Parts 171 – 180 (HMR). I am writing to confirm our understanding of how these regulations may be met for consignments of a particular material that we need to transport in commerce.

The commercial name of this material is Methyl Zimate® (zinc dimethyldithiocarbamate). Methyl Zimate® is a dry powder, and it is physically stable at all anticipated ambient temperatures. The typical end user is someone making molded rubber devices using small quantities of the material at a time.

Methyl Zimate® is a class 6.1 – Toxic due to its inhalation toxicity (LC50 = 81 mg/m³ – rat), but does not meet any other hazard class. Vanderbilt has described the material as "TOXIC SOLID, ORGANIC, NOS (ZINC DIMETHYLDITHIOCARBAMATE), 6.1, UN 2811, PG I." The hazardous material table, § 172.101, authorizes intermediate bulk containers (IBC's) pursuant to § 173.242(d) and special condition IB7. Vanderbilt proposes to use composite IBC's rated 11HH2/X as the outer packaging.

In order to reduce worker exposure and generally facilitate handling by end user's employees, we intend to pre-package the material in small, non-specification paper bags that are, in turn, placed in the authorized IBC. In addition to improving safety and health for the end users employees, this bulk package will simplify storage and handling by the end user, and will be more efficiently transported than, for example, multiple smaller fiber drums.

We will be shipping this material directly to the end user under exclusive use conditions. Further, we intend to mark each non-specification (inner) package with the material's commercial name, appropriate health and safety warnings and a statement saying, in essence, "this is a non-specification package." These markings will communicate necessary safety and health information to affected employees, and will help ensure that

MR. EDWARD T. MAZZULLO
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the material is not re-offered for transportation in these non-specification packages alone. No hazard class label, proper shipping name or UN number markings will appear on these bags.

These IBC's are authorized for use as bulk packagings for our material. They will be sufficiently tight to prevent any release of the material during routine transport, even if the materials were loose inside the IBC. The addition of the smaller non-specification inner packages will add to the level of safety inherent in the specification IBC.

Our concern is with that portion of the definition of "bulk packaging" at § 171.8 that states, "... in which hazardous materials are loaded with no intermediate form of containment" Since the paper bags are non-specification packages, we would like your confirmation that they do not constitute an "intermediate form of containment" that negate shipping them inside an authorized bulk packaging.

Our search of your files found a favorable interpretation to essentially the same question for a similar situation – see RSPA Reference No. 02-0278 (attached for your convenience). In this situation, RSPA found that a hazardous material might be contained in non-specification non-bulk inner packagings so long as the main, or outer, packaging was authorized. Ms. Hattie L. Mitchell, RSPA's reviewer, concluded "(t)he fact that the material is further contained in non-bulk packagings is not relevant."

Vanderbilt thanks you for considering this matter. If you have any questions, comments or concerns regarding this request for interpretation please e-mail me at jcurtis@rtvanderbilt.com or call me at 270-753-4926.

Best regards,



Joe Curtis
Environmental Manager

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Enclosures (3 pages)

cc: Betty-Lynn White, Esq. (RTV)