



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JAN 11 2008

Mr. Bret Alan Skinner
Triumvirate Environmental, Inc.
61 Inner Belt Road
Somerville, MA 02143

Ref. No. 07-0122

Dear Mr. Skinner:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to materials prepared in accordance with § 173.12(b). Your questions are paraphrased and answered as follows:

Q1. May a waste material that contains a Packing Group I flammable liquid and a Packing Group II toxic liquid be described as "Waste flammable liquids, toxic, n.o.s., 3 (6.1), UN1992, PG I" and be packaged in accordance with § 173.12(b)?

A1. Yes, the proper shipping description "Waste flammable liquid, toxic, n.o.s., 3 (6.1), UN1992, PG I" appropriately describes the material you describe in your letter and the material may be packaged in accordance with § 173.12(b). Note that § 173.12(b)(3) prohibits a Division 6.1, Packing Group I material from being packaged in accordance with paragraph (b). This applies to a waste material meeting the definition of Division 6.1, Packing Group I, regardless of whether the classification is primary or subsidiary. Because the subsidiary hazard for your material meets the Packing Group II criteria, the material may be packaged in accordance with paragraph (b).

Q2. May a waste material with a primary hazard of Class 3, Packing Group II and a subsidiary hazard of Division 6.1, Packing Group I be packaged in accordance with § 171.12(b) in a drum with the proper shipping description "Waste flammable liquid, toxic, n.o.s., 3 (6.1), UN1992, PG I"?

A2. No, although the proper shipping description appropriately describes the material, it may not be packaged in accordance with § 173.12(b) because the subsidiary hazard, Division 6.1, meets the Packing Group I criteria. See A1.

Q3. "Flammable liquid, toxic, n.o.s. (acetone, dichloromethane), 3 (6.1), UN1992, PG II" is lab packed with "Waste flammable liquids, toxic, n.o.s., 3 (6.1) UN1992, PG I." The material is packaged in a combination packaging. The outer container meets the Packing Group II specification. Does the outer container meet the § 173.12 requirements?

A3. Yes. As provided by § 173.12(b)(2)(i), the packages must be tested and marked at least for the Packing Group III performance level.

Q4. May containers of Sodium (4.3, UN1428, PGI) and Sodium dithionite (4.2, UN1384, PGII) be packaged as a lab pack in accordance with § 173.12(b) using the proper shipping description: Waste water-reactive solid, self-heating, n.o.s, 4.3 (4.2), UN3135, PG I?

A4. Yes.

Q5. May a small container of Paraformaldehyde (4.1, UN2213, PG II) be included in the lab pack with "Waste water-reactive solid, self-heating, n.o.s, 4.3 (4.2), UN3135, PG I" without changing the basic description?

A5. No. The Division 4.1 material must be indicated; that is, "Waste water-reactive solid, self-heating, n.o.s., 4.3 (4.2, 4.1), UN3135, PG I."

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is fluid and cursive, with a large loop at the end.

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

**TRIUMVIRATE
ENVIRONMENTAL**

Memo
§173.12(b)
Hazardous Waste/Lab Packs
07-0122
PROVIDING LONG-TERM,
INNOVATIVE SOLUTIONS

June 11, 2007

Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards
USDOT/PHMSA (DHM-10)
400 7th Street, SW
Washington D.C., 20590-0001

Dear Mr. Mazzullo,

Please accept this letter as a request for formal interpretation from your office. Triumvirate Environmental, Inc. wishes to receive clarification regarding the contents of a letter from your office to Veolia ES Technical Solution, L.L.C. of the reference number 07-0024. This letter offers clarification of certain parts of the "lab pack exception" for waste materials codified in 49CFR 173.12 (b). Triumvirate Environmental, Inc. is also looking for clarification on the packaging of hazard class 4 materials per 173.12(b)

Question 1: Given that materials meeting the Class 6.1, Packing Group I definition cannot be packaged per 173.12(b):

A. A material is described as having a(n):

Flash Point: less than 140 F
Boiling Point: less than 95 F
LD50 (oral): 25 mg/kg
LD50 (dermal): Does not demonstrate dermal toxicity.
LD50 (inhalation): Does not demonstrate toxicity by inhalation.

Using the precedence of hazard as described in 173.2a this material meets the definition of a primary hazard class of 3 with a subsidiary hazard class of 6.1. This material could best be described as a PG I flammable liquid and a PG II toxic liquid thus giving the material the most strict packing group of PG I.

Can this material be packaged as described in 173.12 (b) in a drum with the proper shipping name: Waste Flammable Liquid, Toxic, n.o.s.; 3(6.1) UN1992, PG I?

B. A material s described as having a(n):

Flash Point: less than 140 F but greater than 73 F
Boiling Point: greater than 95 F
LD50 (oral): 4 mg/kg
LD50 (dermal): does not demonstrate dermal toxicity.

LD50 (inhalation): does not demonstrate toxicity by inhalation.

Using the precedence of hazard as described in 173.2a this material meets the definition of a primary hazard class of 3 with a subsidiary hazard class of 6.1. This material could best be described as a PG II flammable liquid and a PG I toxic liquid thus giving the material the most strict packing group of PG I.

Can this material be packaged as described in 173.12 (b) in a drum with the proper shipping name: Waste Flammable Liquid, Toxic, n.o.s.; 3(6.1) UN1992, PG I?

- C. An outer combination packaging contains an inner container of Diethyl Ether (3, UN 1155, PG I) and a mixture of Acetone and Dichloromethane (best described as: Flammable Liquid, Toxic, n.o.s. (Acetone, Dichloromethane); 3 (6.1), UN 1992, II) "lab packed" with the proper shipping name: "Waste Flammable liquids, toxic, n.o.s.; 3 (6.1) UN 1992" and has the "strictest" PG of I per 173.2a. The outer package meets the Packing Group II specification.

Is this package appropriately packaged as a "lab pack" described in 173.12 (b)?

Question 2: Given that 173.12(b) states that materials of the same primary hazard class may be "lab packed" in combination packaging with an "n.o.s." shipping name.

- A. A small container of Sodium (4.3, UN 1428, PG I) and a small container of Sodium Dithionite (4.2, UN 1384, PG II) are "lab packed" in the same outer container with the proper shipping name: Waste water-reactive solid, self-heating, n.o.s.; 4.3 (4.2) UN 3135, PG I.

Can containers of the same hazard class but different divisions be packaged as a "lab pack" as described in 173.12 (b)?

- B. Can a small container of Paraformaldehyde (4.1, UN 2213, II) be added to the above "lab pack" without changing the proper shipping name or must one describe the 4.1 hazard class?

Thank you in advance for your time and your input on these questions. Please contact me at (617)628-8098, bskinner@triumvirate.com or by mail if there are any needed clarifications to properly address these questions.

Regards,



Bret Alan Skinner
Technical Specialist
Triumvirate Environmental, Inc.

6/25/07
**TRIUMVIRATE
ENVIRONMENTAL**

M. McIntyre
§173.12(b)
Hazardous Waste/Lab Packs
07-0122
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Can this material be packaged as described in 173.12 (b) in a drum with the proper shipping name: Waste Flammable Liquid, Toxic, n.o.s.; 3(6.1) UN1992, PG I?

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Can this material be packaged as described in 173.12 (b) in a drum with the proper shipping name: Waste Flammable Liquid, Toxic, n.o.s.; 3(6.1) UN1992, PG I?

- C. An outer combination packaging contains an inner container of Diethyl Ether (3, UN 1155, PG I) and a mixture of Acetone and Dichloromethane (best described as: Flammable Liquid, Toxic, n.o.s. (Acetone, Dichloromethane); 3 (6.1), UN 1992, II) "lab packed" with the proper shipping name: "Waste Flammable liquids, toxic, n.o.s.; 3 (6.1) UN 1992" and has the "strictest" PG of I per 173.2a. The outer package meets the Packing Group II specification.

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