



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

MAR 14 2009

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

Ms. Tina S. Breezley
Hazardous Materials & Training Manager
R&L Carriers Shared Services, LLC
P.O. Box 271
Wilmington, OH 45177

Reference No. 07-0221

Dear Ms. Breezley:

This is in response to your recent e-mail and telephone conversations with members of my staff asking how to properly describe the type of package for a hazardous material on a shipping paper under § 172.202(a)(6) of the Hazardous Materials Regulations (49 CFR Parts 171-180). You state your company transports "UN 1263, Paint, 3 (flammable liquid), PG III" by motor vehicle for different shippers throughout the United States in non-specification fiberboard boxes that contain four inner non-specification plastic pails. You state these packages comply with the HMR but vary in design and are made by different manufacturers. You also state in the past this agency instructed you to describe the type of package as "pails" instead of "boxes."

What constitutes a package under the HMR depends on the particular packaging provision that is being used. Based on the information you provided, the package is a combination package, consisting of a strong outer packaging with one or more inner packagings as provided by § 173.150. The outer and inner packagings, used together, meet the minimum prescribed HMR requirements. In this case, the package must be described by its outer packaging as "box" or "boxes." See the definitions of "combination packaging," "package or outside package," and "single packaging" in § 171.8.

We apologize for any misinformation you may have received earlier from our agency regarding this matter and any inconvenience. Also please note that we revised § 172.202(a)(6) and relocated it to § 172.202(a)(7) effective January 1, 2007. In addition, we permitted delayed compliance with former § 172.202(a)(6) until January 1, 2008. See Docket No. PHMSA-06-25476 (HM-215I, 71 FR 78596, 12/29/06).

I hope this satisfies your request. Please contact this office if you have further questions.

Sincerely,

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

Edmonson
§172.202(4)
Shipping Papers
07-0221

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Tuesday, November 20, 2007 9:52 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: 49CFR 172.202(6) package types listed on a bill of lading / Manifest

From: Tina Breezley [mailto:tbreezley@rlcarriers.com]
Sent: Tuesday, November 20, 2007 9:27 AM
To: INFOCNTR <PHMSA>
Cc: Gerry Krisa; carlisle.smith@puc.stager.oh.us; Tina Breezley
Subject: 49CFR 172.202(6) package types listed on a bill of lading / Manifest

I would like a letter of interpretation for 172.202(6), regarding the package type being listed on the bill of lading or manifest.

Presently if we have a shipper that is shipping a box of hazardous material that contains four pails, they would list 1 box UN1263, Paint, 3, PGIII. After several phone calls to PHMSA regarding the package type, I was instructed that the package type should be pails.

I had asked PHMSA if we could write it up as follows: 1 box UN1263, Paint, 3, PGII and on the next line write contains 4 pails, I was told that the package type listed had to be what the hazardous material was contained in, and the box is considered an overpack.

I look forward to your response and clarification of this matter.

Yours truly,

Tina S. Breezley
R+L Carriers Shared Services, LLC
Hazardous Material & Training Manager
800-543-5589 ext 1545