



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

MAY 01 2013

Mr. Jay Johnson
Inmark Packaging
DGSA, Regulator Compliance
675 Hartman Rd.
Suite 100
Austell, GA 30168

Ref. No. 13-0010

Dear Mr. Johnson:

This responds to your December 4, 2012 email and follow up email request for clarification of the testing of combination packaging specified in § 178.601 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification on the 4GV packaging variation under § 178.601(g)(2) for a packaging tested with 2 x 1L fragile glass bottles.

Your questions are paraphrased and answered as follows:

Q1. Are the constraints on package modification set by 4GV packaging specified in 178.601(g)(2) based on the total volume tested, the marked maximum gross mass and the minimum thickness of cushioning material?

A1. The constraints on package modification set by 4GV packaging specified in §178.601(g)(2) are based on all these factors. In addition, the gross mass of the inner packagings, use of absorbents, and liners are considered in package modification.

Q2. In your email you indicate a 4GV package with 2 x 1L fragile glass bottles as the inner packaging was tested with lead shot. You ask can a shipper substitute (without the need for further testing) the following inner combinations of inner packagings, if the minimum thickness of cushioning material was maintained and the package weighs less than the marked gross mass?

- a. 4 x .5L plastic bottles, total volume of inner packages 2L;
- b. 2 plastic bags each containing 2 x .5L plastic bottles with no minimum cushioning distances maintained within the bag, total volume of inner packages 2L;
- c. 1 x 2L plastic bottle, total volume of inner packages 2L;

- d. 2 metal cans each containing 1 x 1L glass bottle, total volume of inner packages 2L;
- e. 2 metal cans each containing 2 x .5L glass bottles with no minimum cushioning distances maintained within the can total volume of inner packages 2L; and
- f. 2 metal cans each containing 1 x .5L glass bottles total volume of inner packages 1L.

A2. As you noted the packaging containing 2 x 1L inner packagings was tested with lead shot. Section 178.601(g)(2)(ii) states, "the total combined gross mass of the inner packagings may not exceed one half the gross mass of the inner packagings used for the drop test." You did not provide any indication of the gross mass of the inner packagings used for the drop test; however, you indicate that the gross mass of the inner packagings scenarios you provided would not exceed one half the gross mass of those used for the drop test. Based on the combinations of inner packagings provided in Q2 and the testing scenario you describe, scenarios "a", "c", "d", and "f" comply with § 178.601(g)(2)(ii). Scenarios "b" and "e" do not comply because the minimum cushioning is not maintained as specified in § 178.601(g)(2)(iii).

I hope this answers your inquiry. If you need further assistance, please contact this office on (202) 366-8553.

Sincerely,



Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division

11/8/13
Drakeford, Carolyn (PHMSA)

Boothe
§178.601
Testing of Packaging
13-0010

From: Boothe, Deborah (PHMSA)
Sent: Friday, December 07, 2012 1:37 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Question on a 4GV Interpretation: Request for Interp Letter for Jay Johnson

Importance: High

From: Supko, Ben (PHMSA)
Sent: Wednesday, December 05, 2012 8:14 AM
To: 'Jay Johnson'
Cc: Boothe, Deborah (PHMSA); Benedict, Robert (PHMSA)
Subject: RE: Question on a 4GV Interpretation

Good morning Jay,

The problem/reason for responding in the manner that we did was that the drop test in the requester's question was conducted with a single 16 ounce bottle. Based on the language in §178.601(g)(2)(ii) the combined gross mass of the inner packagings may not exceed **one half** of the gross mass of the inner packaging used for the drop test. So, given that the requester asked to use inners that amounted to the full 16 ounce volume that was tested; § 178.601(g)(2) was not applicable to the particular question asked. Also, based on telephone conversations with the requester we felt that the question was really intended to address the provisions in § 178.601(g)(1).

However, you are correct that we should have made it clear why § 178.601(g)(2) was not authorized for the question posed and why we chose to address the question based on § 178.601(g)(1) rather than § 178.601(g)(2). I certainly see why that resulted in confusion.

To address the specific scenarios you raise we felt that it was important log your request as an interpretation and add clarifying language to letter 11-0282.

Please let me know if you disagree with this approach.

Thanks again,

Ben

From: Jay Johnson [<mailto:jayj@inmarkinc.com>]
Sent: Wednesday, December 05, 2012 4:46 AM
To: Supko, Ben (PHMSA)
Cc: Boothe, Deborah (PHMSA); Kelley, Shane (PHMSA)
Subject: RE: Question on a 4GV Interpretation

Good Morning Ben,

I appreciate you and your staff getting back to me so quickly on my question of an interpretation. I am currently out of the country at meeting of the UN Sub-Committee of Experts on the Transportation of Dangerous Goods in Geneva. Deborah Boothe of your office left me a message yesterday indicating the interpretation in question was specific to a requestor and the requestor of this interpretation was happy with the current answers. I do not think that addresses the incorrect reference in Q3 of the interpretation.

In the interpretation you answered Q3 about 4GV packaging with an answer referencing Variation 1 in § 178.601(g)(1)(i) but answers to questions on 4GV packaging should be referencing Variation 2 in § 178.601(g)(2). If the correct Variation had been referenced the answer should be change to:

“A3. Your understanding is incorrect, The package variations specified in § 178.601(g)(2) do permit increases in the quantity of the inner packagings as long as they are not greater than the volume tested in the original packaging(s).”

I reference this line from Variation 2 that supports this answer...

The thickness of cushioning material between inner packagings and between inner packagings and the outside of the packaging may not be reduced below the corresponding thickness in the originally tested packaging; and when a single inner packaging was used in the original test, the thickness of cushioning between inner packagings may not be less than the thickness of cushioning between the outside of the packaging and the inner packaging in the original test.

I would appreciate you making this correction.
Best regards,
Jay



Jay Johnson, DGSA | Regulatory Compliance

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From: Ben.Supko@dot.gov [<mailto:Ben.Supko@dot.gov>]

Sent: Tuesday, December 04, 2012 10:16 AM

To: Jay Johnson

Subject: Re: Question on a 4GV Interpretation

Mr. Johnson,

Good morning. I received your voicemail yesterday and have asked the staff member that worked on the letter to follow up with both you and the initial requester. Please let me know if you don't hear anything from COB tomorrow.

Thank you for bringing this to my attention,

Ben

From: Jay Johnson [mailto:jayj@inmarkinc.com]
Sent: Tuesday, December 04, 2012 09:34 AM
To: Supko, Ben (PHMSA)
Cc: Kelley, Shane (PHMSA)
Subject: Question on a 4GV Interpretation

Hello Ben,

I left you a voice mail message last week concerning an interpretation on 4GV packaging (Ref. No. 11-0282).

In the interpretation you answered Q3 about 4GV packaging with an answer referencing Variation 1 in § 178.601(g)(1)(i) but answers to questions on 4GV packaging should be referencing Variation 2 in § 178.601(g)(2).

I believe that the answer would be different for Variation 2 because of this line in § 178.601(g)(2)(iii) that allows inner packagings to be used in place of a single inner packaging tested:

The thickness of cushioning material between inner packagings and between inner packagings and the outside of the packaging may not be reduced below the corresponding thickness in the originally tested packaging; and when a single inner packaging was used in the original test, the thickness of cushioning between inner packagings may not be less than the thickness of cushioning between the outside of the packaging and the inner packaging in the original test.

I would like to rephrase the question about 4GV packaging to the following:

Are the limits set by 4GV packaging based on the total volume tested, the marked maximum gross and the minimum thickness of cushioning material?

If a 4GV package was tested with 2 x 1 liter fragile glass bottles, Can a shipper substitute (without the need for further testing) the following inner combinations if the minimum thickness of cushioning material was maintained and the package weighs less than the marked gross mass?

- 4 x 500ml plastic bottles
- Two plastic bags each containing 2 x 500 ml plastic bottles with no minimum cushioning distances maintained within the bag
- 1 x 2 liter plastic bottle
- 2 metal cans each containing 1 x 1 liter glass bottle
- 2 metal cans each containing 2 x 500ml glass bottles with no minimum cushioning distances maintained within the can
- 2 metal cans each containing 1 x 500ml glass bottles

Thanks
Jay



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