



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAR 25 2013

Mr. Harold DePriest
Bway Corporation
3737 Miller Park Drive
Garland, TX 75042

Ref. No.: 13-0030

Dear Mr. DePriest:

This is in response to your January 25, 2013 email and conversation with a member of my staff requesting clarification of the performance-oriented packaging testing requirements in accordance with Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You describe a scenario where you have two pails of the same diameter, but different heights that will be joined together for sales purposes via the use of plastic clips. You seek clarification regarding the testing and marking requirements for the joined unit. Specifically, you ask whether performance-oriented packaging testing is required on only the individual pails or on the entire joined unit.

Section 178.601(a) states that the test procedures described in Subpart M are intended to ensure that packages containing hazardous materials can withstand normal conditions of transportation and are considered minimum requirements. Each packaging must be manufactured and assembled so as to be capable of successfully passing the prescribed tests and of conforming to the requirements of § 173.24 of this subchapter at all times while in transportation.

Based on the scenario described, each design type (i.e. each pail) should be tested individually in accordance with Part 178, Subpart M. In addition, each packaging that is represented as manufactured to meet a UN standard must be marked as specified in § 178.503.

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

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Wiener
§178.600

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, January 28, 2013 12:53 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: request for formal letter of interpretation

Testing
13-0030

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,
Victoria

From: Harold DePriest [<mailto:Harold.Depriest@BWAYCorp.com>]
Sent: Friday, January 25, 2013 11:57 AM
To: INFOCNTR (PHMSA)
Subject: request for formal letter of interpretation

I talked to Scott at the help desk today about an interpretation of 49CFR, paragraph 178.600 on testing for a new packaging. We have a customer who wants two individual pails of the same diameter, but different heights, joined together by plastic clips that makes it one sales unit. We asked how we would mark this packaging and how we would test the unit. The initial response is that we would test each pail individually and mark them individually as separate packagings. These two packagings would not have an overall UN marking.

I understand testing (leakproofness, hydrostatic, drop, stack and vibratory tests) and marking each container separately but my question still concerns the two packagings that have been combined. Do we need to do any stack, drop or vibratory testing for the combined packaging?

I need a formal letter of interpretation on the interpretation of paragraph 178.600.

Harold DePriest
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972-535-1116
972-535-1100 Fax