



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAR 18 2014

S.C. Johnson & Son, Inc.
1525 Howe Street
MS 306, ATTN: Georgia Barr
Racine, WI 53403

Ref. No. 13-0241

Dear Ms. Barr:

This responds to your December 11, 2013 request for clarification of the packaging requirements for a consumer commodity under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification on the definition of a tray as is referenced in a previous letter of interpretation (Ref. No. 07-0162).

According to your letter you want to use a re-useable package for transportation between your manufacturing plants and your contract manufacturers or co-packers. The re-useable package would be made of corrugate or plastic and would have two full sides, a bottom, and would have stretch wrap as the overpack in accordance with § 173.25 to consolidate the inner packages. A previous letter of Interpretation (Ref. No. 07-0162) defined a tray as referenced in § 173.156(b)(2) as, "a shallow flat receptacle with a raised edge or rim used to carry, hold, or display articles." Furthermore, you ask if in order to be considered a tray, must all four sides have some type of raised edge. You seek confirmation that your re-useable package meets the criteria for a tray.

A tray may be composed of any material that is compatible with the lading provided it meets all other applicable requirements prescribed in § 173.156. The HMR do not require a tray to have four raised sides; however, the raised edges must be sufficient to contain the inner packaging. It is the opinion of this office that your re-useable package with two raised edges meets the definition of a tray.

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

Sincerely,

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Boothe
3173.156
Limited Quantity
13-0241

From: INFOCNTR (PHMSA)
Sent: Wednesday, December 11, 2013 3:51 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: PHSMA interpretation request 49 CFR 173.156 - Original request marked Confidential per 49 CFR 105.30

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Barr, Georgia [<mailto:GBarr@SCJ.COM>]
Sent: Wednesday, December 11, 2013 10:54 AM
To: INFOCNTR (PHMSA)
Cc: Barr, Georgia
Subject: PHSMA interpretation request 49 CFR 173.156 - Original request marked Confidential per 49 CFR 105.30

Confidential Request:

Dear PHSMA,

S.C. Johnson & Son, Inc. is a consumer products manufacturer. Much of our product line consists of goods that are eligible for the consumer commodity exceptions that are in effect until December 31, 2020.

We are looking at a confidential new concept for a re-usable package for transportation between our manufacturing plants and our contract manufacturers or co-packers. Confidential per 49 CFR 105.30

The confidential concept is a re-usable package that would be made of corrugate or plastic and would have two full sides, a bottom, and would have stretch-wrap as the over pack to consolidate the inner packages. Confidential per 49 CFR 105.30

In reference to 49 CFR 173.156 exceptions for ORM-D materials and PHSMA interpretation 07-0162's definition of a tray: "A shallow flat receptacle with a raised edge or rim used to carry, hold, or display articles:"

In order to qualify as a tray, do all four sides need to have some type of raised edge?

Does our proposed concept of a re-usable package meet the criteria for a tray? Confidential per 49 CFR 105.30

Thank you for your consideration.

Georgia Barr
Lead, Business Services, Technical Services, & Compliance
S. C. Johnson & Son, Inc
gbarr@scj.com
262-260-3456

Non-confidential second copy request:

Dear PHSMA,

S.C. Johnson & Son, Inc. is a consumer products manufacturer. Much of our product line consists of goods that are eligible for the consumer commodity exceptions that are in effect until December 31, 2020.

In reference to 49 CFR 173.156 exceptions for ORM-D materials and PHSMA interpretation 07-0162's definition of a tray:
"A shallow flat receptacle with a raised edge or rim used to carry, hold, or display articles:"

In order to qualify as a tray, do all four sides need to have some type of raised edge?

Georgia Barr
Lead, Business Services, Technical Services, & Compliance
S. C. Johnson & Son, Inc
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262-260-3456