



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

APR 02 2015

Mr. Steven M. Lichten
ESCI EnviroServices, Inc.
4401 Atlantic Avenue, Suite 200
Long Beach, CA 90807

Ref. No. 14-0201

Dear Mr. Lichten:

This letter responds to your October 13, 2014 email regarding requirements in the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) for shipment of misfired small arms blank ammunition. In your email, you indicate that occasionally the ammunition you use (e.g., .38 caliber blank cartridges) fails to function properly and needs to be properly disposed of at an approved facility. Further, in a telephone conversation with a member of my staff, you shared that the material is subject to EPA waste manifest requirements under 40 CFR § 262.20. Your questions are paraphrased and answered as follows:

Q1: Are these misfired cartridges properly described and classified using the shipping description "Waste cartridges for weapons, blank, UN0014, 1.4S, II"?

A1: Yes, provided that all conditions of 49 CFR § 173.56(h) are met. The description "Cartridges, small arms, blank" may be more appropriate, provided the material meets the criteria in § 173.59. Furthermore, as you have indicated, the proper shipping name must be preceded by the word "Waste" if the material is subject to EPA manifest requirements (see § 172.101(c)(9)). Finally, note that the basic description must now begin with the UN number (see § 172.202(b)). Thus, "UN0014, Waste cartridges for weapons, blank, 1.4S, II," and "UN0014, Waste cartridges, small arms, blank, 1.4S, II" are appropriate descriptions.

Q2: Can these misfired cartridges be shipped as limited quantities under § 173.63(b)(1)(i) and packaged as described in § 173.63(b)(2)?

A2: Yes, provided they meet the requirements of § 173.63(b). The entry for either description mentioned above and listed in the § 172.101 Hazardous Materials Table references in Column 8A § 173.63 for exceptions. Thus, small arms ammunition (blank) properly classed as 1.4S may be transported under the provisions of § 173.63(b).

Q3: If these misfired cartridges cannot be shipped as described per questions Q1 and Q2 above, how must they be transported?

A3: See A1 and A2.

I trust 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 "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen
Acting Chief, Standard Development
Standards and Rulemaking Division

Broussard
§173.63(b)(2)(i)
Packaging Exceptions
14-0201



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FAX: 562-984-2001
www.enviroservices.com

VIA EMAIL

U.S. Department of Transportation
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10; East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

13 October 2014

SUBJECT: Request for Interpretation – Blank Cartridges

ESCI EnviroServices, Inc., a small environmental and hazardous materials compliance consulting and training firm, is requesting a formal opinion/interpretation from the US Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) concerning the highway shipment for treatment/disposal of mis-fired small arms blank (no projectile) ammunition. The ammunition is used for theatrical effects and saluting in various entertainment-related productions. The ammunition is received from the manufacturer described as **“Cartridges for weapons, blank, UN0014, 1.4S, II.”** The blank ammunition consists of .38 caliber cartridges and 12 gauge shot shells.

Occasionally, the ammunition fails to function and needs to be properly disposed (or treatment for disposal) by shipping to an approved waste disposal facility by commercial motor carrier.

We are requesting guidance for these shipments and ask the following three questions:

Q1: Are these mis-fire cartridges properly described and classified using the shipping description **“Waste Cartridges for weapons, blank, UN0014, 1.4S, II”**?

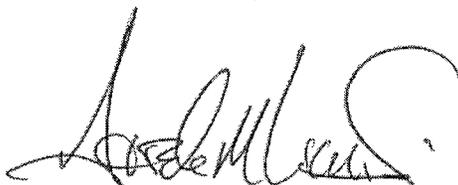
Q2: Can these cartridges be shipped as limited quantities as described in 49 CFR 173.63(b)(1)(i) and packaged as described in 49 CFR 173.63(b)(2)?

Q3: If these cartridges cannot be shipped as described per questions 1 and 2 above, how must these cartridges be shipped?

We appreciate PHMSA's timely response (as these mis-fires are awaiting shipment for treatment/disposal), and very much appreciate your assistance. Should you have any questions or require additional information, please contact Mike Hagen at mhagen@enviroservices.com.

Thank you again.

Sincerely,
ESCI EnviroServices, Inc.

A handwritten signature in black ink, appearing to read "Steven M. Lichten". The signature is fluid and cursive, with a large initial "S" and "L".

Steven M. Lichten, REA, CPEA, CPP
President
Principal Environmental Scientist

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Thursday, October 16, 2014 1:50 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation (Blank mis-fired small arms cartridges)
Attachments: ESCI EnviroServices - USDOT Request for Interpretation - Blanks 10-2014 LH.pdf

Shante and Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

-----Original Message-----

From: Steven Lichten [<mailto:slichten@enviroservices.com>]
Sent: Thursday, October 16, 2014 12:54 PM
To: PHMSA HM InfoCenter
Subject: Request for Interpretation (Blank mis-fired small arms cartridges)

Please find attached a request for interpretation from ESCI EnviroServices regarding classification and packaging for mis-fired small arms cartridges (ammunition) used in theatrical performances. We are requesting this interpretation on behalf of one of our clients.

Thank you for your response.

Best regards,

Steve

--

Steven M. Lichten
President
ESCI EnviroServices, Inc.
4401 Atlantic Avenue; Suite 200
Long Beach, CA 90807

714-322-0470 (cell - the preferred contact phone)
562-984-2079 (main office)
714-256-4812 (fax)