



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

Allison E. Fowler
EH & S Manager, BSO, CHO
Inova Diagnostics
9900 Old Grove Road
San Diego, CA 92131

AUG 17 2015

Ref. No. 15-0090

Dear Ms. Fowler:

This responds to your May 6, 2015 request for clarification on the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the following scenario is compliant with § 178.601(g)(1), Variation 1.

You state that you had a certification for a low density polyethylene (LDPE) plastic inner packaging/bottle that passed the testing/certification criteria and proved capability. This certification has since expired. You have a current certification that tested a high density polyethylene (HDPE) plastic (re: inner packaging bottle type), and it references HDPE, LDPE and PPCO on the certification under materials/bottle type. You ask if you comply with § 178.601(g)(1), Variation 1, using an LDPE bottle type for inner packaging under the current certification.

You believe that because the previous certification proved capability of LDPE and the current certification for HDPE proves capability, an equivalent level of performance is maintained on the basis of: (1) the inner packagings are of equivalent size/volume; (2) the inner packagings are of similar design to the tested inner packagings (i.e., shape-round); and (3) the material of construction of the inner packagings (re: plastic) offers resistance to impact and stacking forces equal to or greater than that of the originally tested inner packaging. Therefore, you believe the LDPE plastic inner packaging included under the HDPE certification may be used without further testing of the packaging in accordance with § 178.601(g)(1), Variation 1.

Your understanding is correct. Use of the LDPE plastic inner packagings complies with requirements in § 178.601(g)(1), Variation 1. Provided the inner packagings are of similar design (i.e., shape) and the material of construction offers the same or greater impact resistance than that of the originally tested inner packaging, further testing of a tested design type is not necessary and the LDPE inner packagings may be used. Moreover, provided an equivalent level of performance can be ascertained, you may use the LDPE inner packagings instead of the HDPE inner packagings under Variation 1.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with the first name "Dirk" being the most prominent part.

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

Boothe
§178.601(1)
Applicability
15-0090

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Wednesday, May 06, 2015 3:57 PM
To: Hazmat Interps
Subject: FW: Inova Diagnostics, Interpretive Letter (HMR; 49 CFR Parts 178.601(1), Variation 1
Attachments: LDPE_VS_HDPE.Intpretative.Letter_05.05.15_Final.pdf

Hi Shante and Alice,

Attached is a request for a formal letter of interpretation. Please let me know if you need any more information.

Thanks,
Shelby

From: afowler@inovadx.com [mailto:afowler@inovadx.com]
Sent: Wednesday, May 06, 2015 3:28 PM
To: INFOCNTR (PHMSA)
Cc: Karen.Yoneda@faa.gov; Gary Lindsey - Dangerous Goods; steve@normaninternational.com; sgustafson@inovadx.com; bwaddell@sd.inovadx.com; elorusso@ilww.com; eaustin@inovadx.com
Subject: Inova Diagnostics, Interpretive Letter (HMR; 49 CFR Parts 178.601(1), Variation 1

Dear Department of Transportation (DOT) information center,

I am Allison Fowler, EH&S Manager with Inova Diagnostics, Inc.

Please see attached Interpretative Letter, we are seeking clarification on HMR; 49 CFR Parts 178.601(1), Variation 1.

If you have questions or concerns with the letter as written, please feel free to contact me.

Thank you so much for your time and help. We look forward to hearing back from you.

All the best.

Best regards,

Allison E. Fowler
EH&S Manager, BSO, CHO

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Inova
Diagnostics

A Werfen Company

To:

infocntr@dot.gov

May 05, 2015

To whom it may concern,

This letter is written to request written clarification on 4GV non-bulk combination packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

We are asking for your help interpreting § 178.601(g)(1), Variation 1.

This question specifically regards inner packagings of plastic mediums: low density polyethylene (LDPE) VS. high density polyethylene (HDPE).

We have a certification in which we tested LDPE for inner packaging/bottle plastic type; LDPE passed the criteria and we proved capability. This certification has now expired (re: JOB NO. 12211U, Norman International, March 14, 2012).

We have a current certification that tested HDPE plastic (re: inner packaging bottle type), it references HDPE, LDPE and PPCO on the certification under materials/bottle type (Job No. 14526U, Norman International, September 18, 2014).

Question:

Are we compliant using an LDPE bottle type for inner packaging under this certification?

Because the previous certification proved capability of LDPE, and the HDPE bottles are of similar design and an equivalent level of performance is maintained, we believe:

- the inner packagings are of equivalent size/volume.
- the inner packagings are of similar design to the tested inner packagings (i.e. shape—round).
- the material of construction of the inner packagings (re: plastic) offers resistance to impact and stacking forces equal to or greater than that of the originally tested inner packaging.

Therefore, we believe that LDPE has been proven to be equivalent to HDPE and is compliant under the certification per 49 CFR § 178.601(g)(1), Variation 1.

Please advise?

Sincerely,



Allison E. Fowler
EH&S Manager, BSO, CHO

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