



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

AUG 31 2011

Ms. Jennifer Eberle  
Manager, Transportation Compliance  
Veolia Environmental Services  
1 Eden Lane  
Flanders, NJ 07836

Reference No.: 11-0135

Dear Ms. Eberle:

This responds to your June 6, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the preparation for shipment of waste aerosol cans in accordance with the requirements for recycling or disposal of aerosols as specified in § 173.306(k) of the HMR. Specifically, you ask whether the marking requirements applicable to bulk containers in § 172.302 apply when the aerosol cans are loaded in a UN specification bulk packaging (i.e.; an 11G fiberboard Intermediate Bulk Container (IBC)).

The answer is no. Under § 171.8, a “bulk packaging” is defined as a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous material are loaded with no intermediate form of containment. In your scenario, the waste aerosol cans in the 11G box would be a form of intermediate containment and, thus, not considered a “bulk packaging.” Therefore, the bulk marking requirements in § 172.302 would not be apply to your package.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

fr



Andrews  
§173.306(k)  
Aerosol  
11-0135

June 6, 2011

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue S.E.  
Washington DC 20590-0001

Re: Bulk Packagings Loaded with Inner Packagings

Dear Sir / Madam:

I am writing to request a written interpretation letter confirming guidance provided to me by a staff member of the DOT Hazmat Information Center relating to the marking of a packaging containing aerosols.

**Veolia's Question:**

When preparing shipments of waste aerosol cans in accordance with 49 CFR §173.306(k), *Aerosols for recycling or disposal*, would the marking requirements applicable to bulk containers in §172.302 apply when the aerosol cans are loaded in a UN specification bulk packaging (i.e. – 11G fiberboard IBC)?

**Hazmat Info Ctr. Guidance:**

The marking requirements for a bulk packaging would not apply in this case because the 11G fiberboard IBC contains intermediate packaging (aerosol cans) and therefore it does not meet the definition of a bulk packaging as that term is defined in §171.8.

**49 CFR, §171.8 - Definitions**

**"Bulk packaging** – means a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment..."

Please confirm if this interpretation is consistent with the opinion of your office in that the outside container (IBC) used to package aerosols would not be considered a bulk packaging in accordance with the HMR and therefore the bulk marking requirements of §172.302, including the display of the identification numbers, are not applicable. Marking of this packaging would follow the requirements of a non-bulk packaging.

Your written response to this question is greatly appreciated. If you require any further information regarding this request please feel free to contact me at [jennifer.eberle@veoliaes.com](mailto:jennifer.eberle@veoliaes.com) or 973-448-4209.

Thank you,

Jennifer Eberle  
Manager, Transportation Compliance

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