



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**NOV 19 2012**

Mr. Eric Barcaskey  
The Valspar Corporation  
P.O. Box 1461  
Minneapolis, MN 55440

Ref. No. 12-0116

Dear Mr. Barcaskey:

This responds to your May 18, 2012 email requesting clarification of the overpack requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your email, you describe a shipping configuration of four 55-gallon drums placed on a pallet and banded together by a single  $\frac{3}{8}$  inch wide band in the upper third of the drums but not secured to the pallet. The drums are banded for purposes of warehouse and dock safety and en route securement. The preferred manner of orientation of the drums on the pallet causes the UN specification markings on the sides of the drums to face inward. You indicate, however, that these markings are clearly visible looking downward in between the drums without having to handle the drums. Based on this description of the shipping configuration, your questions are paraphrased and answered as follows:

Q1. Is the shipping configuration of four drums on a pallet and banded together (but not to the pallet) considered an overpack?

A1. The answer is yes. An overpack is defined in § 171.8 as an enclosure that is used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages. It is our opinion that the shipping configuration you describe constitutes an overpack.

Q2. What if the  $\frac{3}{8}$  inch wide band is removed from the drums?

A2. Specific to the shipping configuration you describe, if the banding is removed, it is our opinion that the shipping configuration is no longer considered an overpack as defined by § 171.8 because the banding served as the means to consolidate and secure the drums placed on the pallet. In light of the questions you presented we plan to review the definition of overpack for opportunities to further clarify the intended meaning of an overpack.

Q3. What if either or both of the shipping configurations are an overpack, where is the required "OVERPACK" marking best located?

A3. Section 173.25(a)(4) requires the overpack to be marked with the word "OVERPACK" when specification packagings are required, unless specification markings on the packages are visible. Based on your description, we consider the UN specification markings on the drums to be visible and thus, the "OVERPACK" marking is not required.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Benedict", written in a cursive style.

Robert Benedict  
Chief, Standards Development Branch  
Standards and Rulemaking Division

## **Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, May 21, 2012 10:18 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for Interpretation - Overpack

Der Kinderen  
§ 173.25 (4)  
§ 171.8  
§ 178.503 (10)  
Packaging Company  
12-116

Carolyn,

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

Thanks,  
Victoria

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**From:** BARCASKEY, ERIC [<mailto:ebarcaskey@valspar.com>]  
**Sent:** Friday, May 18, 2012 5:26 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Request for Interpretation - Overpack

To: PHMSA OHMS Standards Administration  
Reference regulations: 49CFR §173.25 (4), §171.8 (Overpack), §178.503 (10)

We have been recently advised that one method we use for delivering 55-gallon drums has created an Overpack situation and request a letter of interpretation to clarify this, and future related instances. I apologize in advance for having to describe this in writing, as available photos contain some proprietary information.

One of our customers prefers to receive their shipments of drums on pallets (four drums to a pallet), with the larger (2") bung oriented toward the center of the pallet. Our drum supplier duplicates the required, durable UN Specification marking per 49CFR §178.503 (10) on the side surface of the drum toward the bottom, oriented below the larger bung. This results in these markings being oriented toward the center of the pallet, but are clearly visible looking downward through the center of the four drums, without handling the drums.

For the purposes of warehouse and dock handling safety and en-route securement, and not necessarily for convenience of handling in transport, we orient the four drums on a pallet at the fill station and then band them with a single 3/8" wide band at the upper 1/3 of the drum after filling. The drums are not attached to the pallet and are secured in transport due to unitizing in groups of four. The entire load is secured at the rear of the trailer with strapping, tiedowns or other suitable means.

1. Does the method described above necessarily meet the definition of an Overpack?
2. If we avoid the banding (or remove it before shipping), does this group of drums (not attached to the pallet), meet the definition of an Overpack?
3. If the banded drums are considered an Overpack, where would the "OVERPACK" marking be best located? (Would it be misleading or incorrect to place it on the drum surface?)

Thank you in advance for your clarification and guidance.

### ***Eric Barcaskey***

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The Valspar Corporation  
Minneapolis, MN

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