



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

MAR '4 2008

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

Mr. Alexander Amort  
Director, Environmental Health and Safety  
General Environmental Management, Inc.  
3191 Temple Avenue, Suite 250  
Pomona, CA 91768

Ref. No.: 07-0144

Dear Mr. Amort:

This responds to your July 13, 2007 letter requesting clarification of the proper shipping description for lab packs under §173.12(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request reconsideration of information provided in a letter issued by this office in 2002 and ask how to describe certain hazardous materials that are identified with a "+" sign in column one of the §172.101 Hazardous Materials Table (HMT).

Section 173.12(b) permits a shipper to use non-specification packaging and, for compatible materials in the same hazard class, a generic shipping name rather than specific chemical names for the materials packed in a lab pack. Section 172.101(b)(1) states, in part, "the plus (+) sign fixes the proper shipping name, hazard class, and packing group for that entry without regard to whether the material meets the definition of that class, packing group or any other hazard class designation." In two previous letters issued by this office (Ref. Nos. 99-0145 and 02-0014), we indicated materials identified with a "+" sign in column one of the HMT are not eligible for the exception allowing for use of a generic proper shipping name, on the basis that the "+" sign "fixes" the proper shipping name.

Based on your inquiry and the issues you raise, we have reevaluated the aforementioned interpretations. Section 172.101(b)(1) is intended to ensure that certain materials that are known to present hazards in transportation but that do not meet specific hazard class definitions are appropriately described and classed. However, §173.12 provides exceptions to this provision if the lab packs of waste materials meet the requirements of and the packages are prepared in accordance with §173.12. Therefore, it is our determination that waste materials containing Aniline and/or Phenol are eligible for the §173.12(b) exceptions and may be packaged in lab packs with other compatible waste hazardous materials in the same hazard class in the same outside packaging and described using a generic proper shipping name. Multiple shipping names are not required. The generic proper shipping name

must be marked on the outside packaging of the lab pack. Requirements for lab packs are provided in §173.12(b).

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Edward T. Mazzullo".

Edward T. Mazzullo

Director

Office of Hazardous Materials Standards

Boothe  
§173.12  
Proper Shipping Name  
07-0174

**From:** Alex Amort [mailto:Alex.Amort@go-gem.com]  
**Sent:** Friday, July 13, 2007 7:28 PM  
**To:** HMIS <PHMSA>  
**Subject:** Regulatory Interpretation Request

July 13, 2007

U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
Office of Hazardous Materials Safety  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Attn: Mr. Edward Mazzullo, Director of Hazardous Materials Standards

Dear Mr. Mazzullo

This letter is in response to a letter of interpretation Dated February 22, 2002, Ref. No. 02-0014 addressed to Mr. William F. Connors concerning clarification on the proper shipping description for lab packs under 49 CFR part 173.12. In the letter, it is stated that since aniline and phenol have a "+" symbol in column 1 of the HMT, that the names are fixed and they cannot be replaced with a generic name in a lab pack as allowed by section 173.12, which poses a conflict in the regulations that will need to be resolved.

It is the intention of the "+" sign to fix a proper shipping name, hazard class and packing group, even if the material does not meet the definition of that hazard class and or packing group. The intent is to protect the public health by not allowing the material to be shipped as another hazard class or in a lesser packaging group. Later in the section it states that the fixed name may not apply to mixtures or solutions if the hazards are significantly different.

The lab pack exception in 173.12 does allow the use of a generic name for many hazard classes, as long as the material is packaged as prescribed. In packaging for a lab pack, the lab pack chemicals must be packaged with compatible material of one hazard class. Additionally, 6.1 packing group 1 materials (and some others) are already excluded from lab pack exceptions due to the high hazard they represent. On December 21, 1990 page 52423 the federal register discusses comments made concerning section 173.12. Several commenter's recommended inclusion of Division 6.1 packing group 1 materials in the lab pack exception, prohibiting only materials poisonous by inhalation. RSPA did not agree. I assume that they did not agree due to the potentially high hazard of packing group 1 toxic materials. Many of the chemicals with a "+" in column 1 are packing group II materials. RSPA did not exclude PG II class 6.1 materials, I assume because they felt that because materials in a lab pack are limited by size (volume) and have specific packaging requirements that RSPA may have interpreted as being packaged in such a manner as to have reduced the hazards, and thus not excluding those materials with a "+". They have excluded several others from lab packs. Separating and identifying "+" class 6.1 materials that are PG II or III will not increase the safety of their handling, as 173.12 allows PG III containers to be utilized, and in a lab pack, these PG II class 6.1 "+" materials will be packaged utilizing the same hazard class. Packaging them separately will not increase safety as additional containers of hazardous materials will be created. Utilizing multiple shipping names on a hazardous waste manifest for the same container will also create confusion for shippers, transporters and the enforcement and emergency community.

The regulations in 173.12 do not limit the use of generic shipping names to items that do not have a "+" in them. If this is the requirement, I recommend that the regulation in 173.12 be changed to reflect the "+" sign generic shipping name exclusion so that all companies in the hazardous waste business are aware of the interpretation, or

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that the interpretation be changed to exclude lab pack materials.

The letter states that the materials could still be packaged as a lab pack, but multiple shipping names would need to be used for the container. I am not familiar with how one would assign multiple proper shipping descriptions to one container on a uniform hazardous waste manifest and have the piece count reflected properly. If multiple shipping names must be used, can you please provide detailed documentation and an example using the example in the letter dated February 22, 2002 on how you would complete the uniform hazardous waste manifest? We will need to be able to utilize the letter to present to regulatory and enforcement agencies.

Thank you for your assistance in this manner.

Sincerely,

Alexander Amort  
Director Environmental Health and Safety  
General Environmental Management, Inc.  
3191 Temple Avenue, Suite 250  
Pomona, CA 91768

Mr. William F. Connors  
Clean Harbors Environmental Services, Inc.  
1501 Washington Street  
Brantree, MA 02185-9048

Ref. No. 02-0014

Dear Mr. Connors:

This responds to your January 9, 2002 letter requesting clarification on the proper shipping description for lab packs under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask the proper shipping description for lab packed materials of items with a "+" symbol in column one of the Hazardous Materials Table (HMT) in § 172.101 of the HMR.

You reference previous clarifications on this subject issued by this Office (letter ref. no. 99-0145) and discussions with Hazardous Materials Information Center staff, advising you to use multiple shipping descriptions for each hazardous material identified with a "+" and a generic shipping description for the other materials in the lab pack. You were also advised to mark each shipping name separately on the package. It is your understanding that the correct shipping descriptions on a shipping paper for the lab pack are:

"Waste Aniline, 6.1, UN 1547, II"  
"Waste Phenol, solid, 6.1, UN 1671, II"  
"Toxic solid, organic, n.o.s., 6.1, UN 2811, II"

It also your understanding that all three shipping names are required to be marked on the package in addition to a POISON label.

Your understanding is correct. The lab pack exception in § 173.12(b) provides relief from specification packaging if packaged in accordance with the section and allows the shipper to use a generic name to represent compatible materials in the same hazard class in place of specific chemical names when packaged in the same outer packaging. Since aniline and phenol have a "+" symbol in column one of the HMT, these names are fixed and cannot be replaced with a generic shipping name. In this case, aniline and phenol may be packaged with other compatible hazardous materials in the same

hazard class. However, each specific

shipping name must be marked on the outside packaging in addition to the generic description for the other hazardous materials in the lab pack, and listed separately on the shipping paper. Additional requirements for lab packs are found in § 173.12(b).

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards  
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File:173.12