



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

DEC 05 2012

Mr. Tom Forbes
Hazardous Materials Specialist
Public Utility Commission of Ohio
Transportation Department
180 East Broad Street, Suite 436
Columbus, OH, 43215

Reference No.: 12-0215

Dear Mr. Forbes:

This is in response to your September 26, 2012 e-mail to the Hazardous Materials Information Center requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You present two scenarios pertaining to the transportation of calcium hypochlorite.

UN2880, calcium hypochlorite, hydrated, 5.1, PG II is packaged in a 5-gallon, white plastic pail and is transported by highway in an open body, stake bed truck with no top. Special provision 165 applies to this material and provides that during the course of transportation these substances must be shaded from direct sunlight and all sources of heat and be placed in adequately ventilated areas:

Q1. If the described pail is UV resistant is the material considered shaded from direct sunlight?

A1. No. As provided in § 171.8, the definition of transportation is the movement of property and loading, unloading, or storage incident to that movement. The language provided in special provision 165, "During the course of transportation," implies that the material is already packaged and in the process of being transported. During transportation, special provision 165 requires the additional protection of shading the substance from direct sunlight. The package or packaging does not provide this additional protection.

Q2. Does the color or type of packaging change the answer?

A2. No. See A1.

Q3. If the pails are part of a combination package where there is an outside packaging, are the inside packagings considered shaded?

A3. No. See A1.

Calcium hypochlorite is transported in a package containing 24, 1-pound pouches for swimming pool treatment that has been reclassified as ORM-D or being shipped as a limited quantity. Each package exceeds the reportable quantity (RQ) for calcium hypochlorite and the material meets the definition of hazardous substance:

Q4. If the material is offered as an ORM-D, is a shipping paper required for highway transportation?

A4. Yes. The § 172.200(b)(3) exception to the shipping paper requirement does not apply to a material that meets the definition of a hazardous substance.

Q5. If the material is offered as a limited quantity, is a shipping paper required for highway transportation?

A5. Yes. See A4.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer Billings". The signature is written in a cursive style with a large, looping initial "D".

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Babich
§ 172.102 SP165

From: INFOCNTR (PHMSA)
Sent: Wednesday, September 26, 2012 2:31 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: HM Clarification
Attachments: DSCN6735.JPG

§ 173.306
Limited Quantity
12-0215

Carolyn,

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

Thanks,
Victoria

From: Forbes, Tom [<mailto:Tom.Forbes@puc.state.oh.us>]
Sent: Wednesday, September 26, 2012 9:27 AM
To: PHMSA HM InfoCenter
Subject: HM Clarification

Dear Sir or Madame:

I am requesting a written interpretation/clarification on the transportation requirements under the Hazardous Materials Regulations (HMR 49 CFR Parts 171-180).

A carrier is transporting Calcium Hypochlorite, hydrated, 5.1 UN2880, PG II in 1 - 5 gallon white pail. Special Provision 165 applies to this move. The truck is an open body stake bed truck with no top (see Photo). Special provision 165 states in part that during transportation these materials must be shaded from direct sunlight.

Q-1 If the 5 gallon pail is UV resistant is the material considered shaded from direct sunlight? Does the color or type of package change the answer?

Q-2 If the pails are part of a combination packaging where they have a outside cardboard package with an inside package are they then shaded?

A Carrier is transporting 24 - 1 pound pouches of Calcium Hypochlorite for swimming pool treatment that has been reclassified as either a ORM-D or limited quantity by highway. The pouches are in a strong outer package as required. The total weight in the combination package requires an RQ for Calcium Hypochlorite. Under 172.200 Applicability of shipping papers it states in part. This subpart does not apply to any material other than a **hazardous substance**, hazardous waste or marine pollutant that is -

(3) a limited quantity package unless the material is offered or intended for transportation by air or vessel and, until December 31, 2013, a package of ORM-D material authorized by this subchapter in effect on October 1, 2010 when offered for transportation by highway or rail.

Q-3 If the material is offered as an ORM-D prior to December 31, 2013, does it require a shipping paper during highway transportation since it meets the definition of hazardous substance?

Q-4 If the material is offered as an Limited Quantity after December 31, 2013, does it require a shipping paper during highway transportation since it meets the definition of hazardous substance?

Thank you for your assistance on this matter.

Tom Forbes
Public Utilities Commission of Ohio
Transportation Department

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This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.



07.18.2012

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