



THE HAZMAT NEWS NETWORK



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SUMMER MEANS LOBSTER and grilling and picnics and hiking and beach and all sorts of ‘get-outside’ activities (ain’t that right TAL). Hi all! I hope your summer is off to a fun start with only sunshine planned for the coming

months. It’s been some months since I last drafted up a newsletter (busy is good) so I thought I’d better get an issue out so you all know we are still active in training and consulting services.

MAKE SURE TO CHECK OUT our website for any upcoming training with course information and registration forms. Our current “sequestration” actions have slowed our open-enrollment offerings this year. However, due to interest, we are offering the following course.

- July 23-26: DOT Shipping of Radioactive Materials by DOT Ground and ICAO/IATA Air:
<http://regulatoryresources.net/dot-and-iaicaicao-radioactive-materials-pt-workshop/> (sign up by July 8th)

Keep an eye on our website for newly scheduled courses. Remember that we can come to you to provide the very best in DOT hazmat and RCRA hazardous waste training. We’ve been doing this for over 15 years and the cost savings to you is substantial. Give us a call if you need training support. It doesn’t take many attendees to make it cost effective for you to conduct the training ‘in-house’.

WE NEED TO TALK ABOUT A LETTER dated February 27, 2013 from the Pipeline and Hazardous Materials Safety Administration (PHMSA). A question is posed with regard to the definition of a packaging/package that contains non-electric detonators, specifically a UN 4G fiberboard box. Here’s the configuration. The UN 4G box is the outer packaging. The content, detonator assemblies, have a shock tube that is wound in a loop (or figure-8) and packed to prevent movement for the most part (see also DOT letter 12-0133R). The outer 4G box is tested as a single packaging. A DOT inspector was stating that the detonator assemblies, as configured in the box, did not fill it to 95% of its volume (due to packaging materials). The inspector believed that the outer box is a receptacle and cannot be used for these “articles” since a receptacle must be filled with detonators to 95% as during testing. Talk about not understanding “Who’s on first” in the packaging game. What a mess! I can’t believe a DOT inspector would be asking such a thing. The specific question posed to PHMSA: *Is a single packaging 4G fiberboard box used for non-bulk materials a receptacle?* PHMSA’s reply is as alarming as the inspector’s belief...



“The 4G fiberboard box is not a receptacle in the context of § 178.602. Your package is a combination package with the articles being the inner packages and the 4G fiberboard box being the outer package. The 95% fill requirement does not apply to articles and, therefore, the testing should take place with the 4G fiberboard box filled as it would be prepared for transportation or as otherwise specified in § 173.602. You must also determine whether additional cushioning, et cetera, should be included in the package and otherwise ensure conformance with §§ 173.24 and 173.24a for general requirements for non-bulk packagings and packages.”

First, and very importantly, this fiberboard box configuration is NOT a combination packaging. The package was tested without the benefit of inner packaging, and as such, is a single packaging. Even if inner packagings are used, the definition of “single packaging” remains. It would take full 49 CFR 178 Subpart M retesting with inner packagings to change this from a “single” to “combination” packaging. Keep in mind, if this packaging is used as an excepted packaging (i.e., where the UN marked certification is not necessary), the actual physical configuration determines if it is a single or combination packaging (by definition).

Secondly, this single packaging meets the definition for receptacle. The initial sentence stating the box as not a receptacle in the context of § 178.602 had to come from a galaxy far, far, away. General definitions for the Hazmat Reg (49 CFR Parts 171-180) are found in § 171.8. Receptacle is defined to mean *a containment vessel for receiving and holding materials, including any means of closing.* (Side note – PHMSA please use a term other than “vessel” or amend the definition of vessel...I don’t really think linking this to “watercraft” is applicable much.) PHMSA cannot ignore a term that is defined by regulation and applicable to the section being read. Therefore, the term “receptacle” as defined in § 171.8 is to be used in the same context when reading §178.602.

The real issue at hand – is the current packaging configuration okay? The answer is a stretched yes. These detonator assemblies require an inner packaging in an outer packaging. PHMSA is allowing the “assembly” to be the inner packaging (that’s the stretch part of the answer). The UN 4G fiberboard box is the outer packaging. Since it’s a single packaging, and since the configuration of the assemblies does not invalidate the test parameters of the single packaging, all is okay. The application of the term receptacle is mute and certainly of no consequence here.

But now another thought surfaces. PHMSA is allowing each detonator assembly to be a packaging. So then doesn’t this mean that any explosive assembly (and article) is itself a packaging? If an inner, intermediate and outer packaging configuration is required per § 173.62 then the assembly (and article) is already the inner packaging. Therefore, only some form of intermediate packaging in the outer is necessary. Hmm, something just doesn’t sound too right about all of this. Anybody want to ask for a clarification? 🤔