



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JUL 11 2002

Mr. John H. Rutherford
Manager, Testing Solutions Lab
Inland Paperboard and Packaging, Inc.
8501 Moller Road
Indianapolis, IN 46268

Reference No.: 02-0124

Dear Mr. Rutherford:

This is in response to your letter requesting clarification of selective testing Variation 2 under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your customer has asked you to test and certify a combination package where the inner packagings are plastic bottles containing liquids as a Variation 2 packaging. Your customer has interpreted § 178.601(g)(2)(i) to mean that glass is an example of a "fragile inner packaging."

Your questions are paraphrased and answered as follows:

- Q1. Is it permissible to use plastic inner receptacles conditioned to -18 °C (0 °F) in lieu of glass for the drop test required in § 178.601(g)(2)(i)?
- A1. The answer is yes. Drop testing of combination packagings with plastic inner packagings intended to contain liquids must be carried out when the temperature of the test sample and its contents has been reduced to -18 °C (0 °F) (see § 178.603(c)).
- Q2. Can we certify our combination packagings for Variation 2 using plastic inner packagings?
- A2. The answer is yes, provided the specific conditions of the variation are met.
- Q3. Assuming we can test to Variation 2, should a statement be included in the certification report that the packaging qualifies under § 178.601(g)(2) for selective testing of combination packagings as long as no inner packagings more fragile than plastic at -18 °C (0 °F) are used?
- A3. Such a statement is permissible, but not required. Variation 2 allows inner packagings of any type in an outer packaging without retesting if the specific conditions of the variation are met.

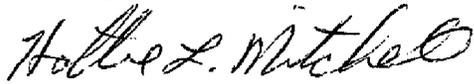


02-0124

178.601

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Inland Paperboard and Packaging, Inc.
8501 Moller Road

Corbin
§ 178.601
Testing
02-0124



I N L A N D
A Temple-Inland Company

April 12, 2002

Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th St. SW
Washington, D.C. 20590

Dear Mr. Mazzullo:

Thank you for discussing the questions I had about 49 CFR, 178.601(g)(2), Selective testing of combination packagings, Variation 2. It has been a little while since we had our phone conversation, so let me re-state the question to you for an official Letter of Interpretation.

My company has a customer who manufactures liquid chemicals. In the certification in question, the chemicals are packed in plastic bottles. The bottles are of different shapes, and do not conform to Variation 1 requirements. The customer wants to test the packaging to Variation 2.

In 178.601(g)(2)(i) it states that "The outer packaging must have been successfully tested in accordance with [part] 178.603 with fragile (e.g. glass) inner packagings containing liquids at the Packing Group I drop height". Our customer has interpreted "e.g." to mean "for example". They requested that we test to Variation 2 using their plastic containers, because at 0°F plastic is fragile as well.

In our phone conversation, I learned that the statement about the use of fragile material such as glass was directed more toward brokers, because they sell certified boxes to various customers who may use any kind of inner packaging. As we discussed, an individual customer like ours, who plans to use nothing more fragile than the plastic containers that are tested, could be allowed to certify to Variation 2 by testing with the plastic containers. Is this indeed acceptable?

In a situation such as this one, assuming that we can test to Variation 2 as discussed above, should a statement be included in the certification report such as: "The packaging qualifies under Section 178.601(g)(2) for selective testing of combination packagings as long as no inner packaging more fragile than plastic at 0°F is used." Would a statement like this satisfy the requirements of that section, or is it necessary at all?

I look forward to your response. Thank you for your help.

Sincerely,

John H. Rutherford
John H. Rutherford
Manager, Testing Solutions Lab
Inland Paperboard and Packaging
Indianapolis, IN