



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

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

OCT 24 2000

Mr. Ron Stanley  
Berry Packaging of SC, Inc.  
5770 North Blackstock Road  
Spartanburg, SC 29303

Ref. No: 00-0076

Dear Mr. Stanley:

This is in response to your letter of February 29, 2000, requesting clarification of the phrase "virtually identical" as it pertains to UN standard packagings prescribed in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You describe a scenario where your customer has a company construct a fiberboard box and test the design at its testing laboratory. This customer would now like your company to construct a fiberboard box that meets the standards for the box that was already tested and certified by your competitor's testing laboratory. The only characteristics of the fiberboard that are described in the test report are the Mullen burst strength, the flute, the size and the style. Your questions are paraphrased and answered as follows:

Q1. May the fiberboard box manufactured by your company be considered "virtually identical" to the fiberboard box used in the tested packaging if it meets all the characteristics described in the test report?

The answer is no. The test report you describe does not provide enough information on the fiberboard box to make the determination that your fiberboard box would be virtually identical. To be identical it must be established that the two boxes are the same with respect to structural design, size, material of construction, wall thickness and manner of construction. Unless you have sufficient information to duplicate the box as produced and tested, you would be producing a different packaging that must be design tested. Mullen burst strength, type of flute, size and style are not sufficiently descriptive to make this determination. In addition, in order to substitute fiberboard, the test documentation from the testing laboratory may not identify the fiberboard in terms of a specific manufacturer, and the agreement between the manufacturer, as identified through the certification marking, and the testing laboratory may not preclude substitution of components without recertification.

Q2. We have several linerboard suppliers. If we have a packaging tested and certified using linerboard made by one supplier, can we use another supplier's linerboard as long as we can verify that the new supplier's linerboard has the same characteristics as the original linerboard? By matching the characteristics listed in the Certification Testing Document, are we not virtually identical?



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Linerboard from various manufacturers may be used if the linerboard is not changed, i.e., there is no change in structural design, size, material of construction, wall thickness and manner of construction. Again, Mullen burst strength, type of flute, size and style are not sufficiently descriptive to make this determination.

I hope this information is helpful.

Sincerely,

A handwritten signature in cursive script that reads "Edward T. Mazzullo". The signature is written in black ink and is positioned above the printed name.

Edward T. Mazzullo

Director, Office of Hazardous  
Materials Standards



LaValle  
\$ 178.601  
00-0076  
**BERRY PACKAGING OF SC, INC.**

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Caroline Whitehead  
Department of Transportation  
Office of Hazardous Materials Standards  
400 Seventh Street, S.W.  
Washington, D.C. 20590

February 29, 2000

Dear Caroline:

This is a follow-up to a discussion we had several weeks ago concerning the phrase "virtually identical" for corrugated packaging (4G Fibreboard boxes).

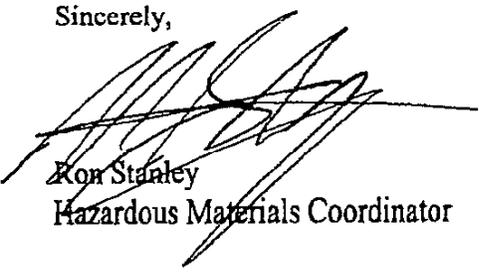
We are a corrugated sheet plant and one of our customers uses HAZMAT certified boxes. These boxes are currently supplied by a competitor. The combination packages were tested by my competitor's testing facility. They are certified for UN-DOT HAZMAT testing and their certification number is on the box.

Question 1: In my customer's Certification Testing Document, the only characteristics that are used to describe any of the corrugated materials are the Mullen burst strength, the flute, the size, and the style. For example, 275# RSC, C flute/manufacturer's joint glued inside, and lists the outside size. My customer uses an inner partition that is only identified as 200# C flute 6 1/8 x 13 15/16. I believe we agreed that if my company makes an exact copy of the partition (size and corrugation direction) and uses 200# C flute, we would be virtually identical. As long as we are able to match exactly the characteristics listed in the certification testing (ie Mullen, flute, style etc.), we are in compliance. Please confirm that we are in compliance with "virtually identical".

Question 2: Since we are a corrugated sheet plant, we have several linerboard suppliers. If we have packaging tested and certified using linerboard made by one supplier, can we use another supplier's linerboard as long as we can verify that the new supplier's linerboard has the same characteristics (ie . ECT, Mullen, flute etc.) that match the original linerboard? By matching the characteristics listed in the Certification Testing Document, are we not "virtually identical"?

I want to again thank you for your help.

Sincerely,



Ron Stanley  
Hazardous Materials Coordinator