



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

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

OCT 13 2000

Ms. Julie Coughlin
University of Hawaii at Manoa
St. John 307
3190 Maile Way
Honolulu, HI 96822

Ref. No. 00-0240

Dear Ms. Coughlin:

This is in response to your August 25, 2000 letter requesting clarification of shipments of diagnostic samples frozen with dry ice under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

For shipments by aircraft, Carbon dioxide, solid or Dry ice, UN1845, is excepted from the HMR when used as a refrigerant for the contents of a package if in quantities less than 2.3 kg of dry ice per package, provided it is packed according to § 173.217. This section requires the packaging to be vented and to meet the general packaging requirements of Part 173 Subpart B. In addition, the package must be marked with the name of the contents being cooled, the net weight of the dry ice or an indication that the net weight is 2.3 kg or less, and the text "Carbon Dioxide, Solid" or "Dry Ice" (§ 175.10(a)(13)(i)).

For example, an air shipment of fruit samples refrigerated by 2 kg of dry ice is not subject to any other requirement of the HMR if the packaging is designed and constructed to permit the release of carbon dioxide gas, meets the general packaging requirements of Part 173, and you mark the package with the words, "fruit", "2 kg" and "Dry Ice."

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

Sincerely,

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



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173.217

University of Hawaii at Manoa

College of Tropical Agriculture and Human Resources
Department of Plant and Environmental Protection Sciences
St. John 307 ❖ 3190 Maile Way ❖ Honolulu, Hawaii 96822

Nelson
173.217(e)
Packaging

00-0240

August 25, 2000

Mr. Edward Nazzullo
Director, Office of Hazardous Materials Standards
USDOT/RSPA (DHM-10)
400 Seventh Street SW
Washington, DC 20590

Dear Mr. Nazzullo,

I would like to request a letter of interpretation regarding a specific packaging exemption listed in the 49 CFR, Part 173.217. I plan to ship frozen experimental samples packed in dry ice, using Federal Express air transportation. The dry ice is necessary to maintain the frozen integrity of the samples during transit. The experimental samples are frozen, untreated and pesticide-treated agricultural commodities (*i.e.*, papaya, pineapple, green onion, *etc.*). The samples are not hazardous materials, but the dry ice that I plan to add to the package is a hazardous material (Part 172.101, Carbon Dioxide, Solid or Dry Ice, UN1845). The samples will be shipped to a chemistry laboratory for residue analysis. The residue chemistry data is used to support a pesticide tolerance.

I would like some clarification as to whether my samples fall under the category of: "material being refrigerated is used for diagnostic or treatment purposes (e.g., frozen medical specimens)." (from Part 173.217, paragraph (e)). I want to make sure that these diagnostic samples fit the description listed in paragraph (e), and that it's OK to use this exemption for my shipments.

Please call if you have any questions.

Sincerely,



Julie Coughlin
Research Associate, Univ. of Hawaii