



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

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

JAN 23 2003

Mr. Jeffrey Joaquim  
Manager  
Environmental Health and Safety  
Cytoc Corporation  
85 Swanson Rd  
Boxborough, MA 01719

Ref. No. 02-0302

Dear Mr. Joaquim:

This is in response to your letter dated November 22, 2002 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you are asking if § 173.24(f)(1)(ii) requires the closure on a one gallon plastic container to have a safety seal over or around its screw cap.

Section 173.24(f)(1)(ii) states that closures on packagings shall be so designed and closed that under conditions normally incident to transportation they are secure and leakproof. There is no requirement in § 173.24(f)(1)(ii) to attach a safety seal to a packaging that has been deemed secure and leakproof without a safety seal. However, for transportation by aircraft, § 173.27(d) requires each screw-type closure to be secured to such an extent that it will not loosen due to vibration or substantial temperature change.

I hope this satisfies your request.

Sincerely,

  
John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards



020302

173.24

BAH  
§ 173.24(f)  
Packaging  
02-0302

**INFOCNTR**

**From:** Joaquim, Jeffrey [Jeffrey.Joaquim@cytyc.com]  
**Sent:** Friday, November 22, 2002 12:47 PM  
**To:** Infocntr, Infocntr <RSPA>  
**Subject:** Formal Interpretation of 49 CFR 173.24 (f) (ii)

I am seeking a formal written interpretation of 49 CFR 173.24 (f) (ii). I am the EHS Mgr for Cytyc Corporation, 85 Swanson Rd, Boxborough, MA 01719. My phone number is 978-929-3354. My fax is 978-929-3346.

Cytyc offers laboratories a cytology stain in a 1-gallon plastic screw capped containers. The contain wall thickness exceeds minimum requirements. My question deals with 49 CFR 173.24 (f) (ii) which states "The closure is secure and leak proof." Independent lab tests have demonstrated that the container does not leak. (The cap is torqued down after the container is filled. The separate safety seal is not placed over the cap.)

Is it acceptable to ship a 1-gallon plastic container of hazardous material under 173.24 General Requirements for Packaging without a safety seal device over or around the cap? Again, the closure and container design pass all applicable testing requirements including those associated with cap security when exposed to temperature and vibration testing.

I would appreciate a formal letter of interpretation.

Sincerely,

Jeffrey J. Joaquim, MS, CIH, CSP

EHS Manager

Cytyc Corporation