

Mar 6, 2003

Ms. Cary Krickeberg
Safety Manager
NM Transfer Co., Inc.
630 Muttart Road
Neenah, WI 54956

Reference No.02-0064

Dear Ms. Krickeberg:

This responds to your letter regarding empty packaging and prohibited labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), as they apply to the transportation of empty packagings bearing a CORROSIVE label. We apologize for the delay in responding and hope it has not caused any inconvenience.

Your company transports empty 55 gallon drums to a reconditioner with no hazardous material information on the shipping paper, except that the drums are "triple rinsed. You asked, for empty packagings, if the shipping paper indicates in some manner that the drums have been rinsed or cleaned, or if there is no indication of whether or not the drums have been cleaned and purged of residue or vapors, must the CORROSIVE hazard warning label be removed?

Generally, empty packagings containing a residue of a hazardous material must be transported in the same manner as when they previously held a greater quantity of the material, unless the packagings are sufficiently cleaned of residue and purged of vapors to remove any potential hazard, or are reloaded with a material which is not subject to the HMR. A non-bulk packaging (e.g., 55 gallon drum) containing only the residue of a hazardous material collected and transported by contract or private carrier for reconditioning, remanufacture, or reuse is excepted from the shipping paper requirements in subpart C of part 172. Therefore, if the vendor is a private or contract carrier, it would not be subject to the shipping paper requirements (see § 173.29(c)(2)).

An empty packaging is not subject to my other requirement if any hazardous material shipping name and identification number markings, any hazard warning labels (e.g., CORROSIVE) or placards, and any other markings indicating that the material is hazardous (e.g., RQ) are removed, obliterated, or securely covered in transportation. However, the markings, labels and placards do not have to be removed, obliterated or covered in transportation in a transport vehicle or freight container if: (1) The packaging is not visible in transportation and the packaging is loaded by the shipper and unloaded by the shipper or consignee; (2) The packaging is unused; (3) Is sufficiently cleaned of residue and purged of vapors to remove any potential hazard; (4) Is refilled with a material which is not hazardous to such an extent that any residue remaining in the packaging no longer poses a hazard; or (5) contains only the residue of certain materials specified in § 173.29(b)(2)(iv).

In addition, the prohibited labeling requirements in § 172.401 do not apply to a packaging bearing a label (e.g., CORROSIVE) if that packaging is: (1) Unused or cleaned and purged of all

residue; (2) transported in a transport vehicle or freight container in such a manner that the packaging is not visible during transportation; and (3) Loaded by the shipper and unloaded by the shipper or consignee (see § 172.401 (d)).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

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

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