



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAY 3 2005

Ms. Jeanette DeGennaro
Senior Regulatory Specialist
Fisher Scientific Chemical Division
1 Reagent Lane
Fair Lawn, NJ 07410-2802

Ref. No.: 04-0272

Dear Ms. DeGennaro:

This is in response to your November 24, 2004 letter and subsequent telephone conversation with Arthur Pollack of my staff regarding manufacturing of non-bulk packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provided the following scenario:

A combination package design type passes all required tests under Part 178, Subpart M. Twenty-four months later the design is re-tested with changes to the closure method (e.g., the torque setting on the bottle cap is increased) and the design also passes all required tests. You ask if you may use identical components from the previously tested design type for the new design type.

The answer is yes. Provided the package components manufactured prior to the re-test date are identical to those tested and no changes are made to the materials of construction or the dimensions of the packaging, the older components may be used.

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

Sincerely,

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



040272

§ 178. Subpart M



Pollack
§ 178.
Subpart M
Testing
04-0272

Chemical Division
1 Reagent Lane
Fair Lawn, NJ 07410
Tel: 201-796-7100
Fax: 201-796-1329

Via UPS Ground

November 24, 2004

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Re: Subpart M-Testing of Non-Bulk Packagings and Packages

Requestor: Fisher Scientific Chemical Division
1 Reagent Lane
Fair Lawn, NJ 07410
Attn: Jeanette DeGennaro
201-703-3136

Dear Mr. Mazzullo:

Please accept this request for clarification regarding the testing of non-bulk packagings under the Hazardous Materials Regulations (49CFR 178 Subpart M). My request concerns the applicability of using torque's and carton sealing methods tested in accordance with 178.601(c)(1), on the identical non-bulk packagings previously certified with different torque's and carton sealing methods. The packagings involved are the same in structural design, size, material of construction, manufacturer and wall thickness.

Fisher has determined through in-house testing that a bottle/cap closure torque of 45 in lb minimizes the chance of leakage in transportation. It is industry knowledge that removal torque is approximately two thirds of the application torque. As a result of testing Fisher has determined that the 45 in lb torque performs better than the 20 in lb torque therefore creating a safer package. As a result Fisher, in collaboration with Owens-Illinois (bottle manufacturer) and Georgia Pacific (carton manufacturer), had Ten-E Packaging Services perform design qualification tests on the following packaging configurations (see attached 2004 UN reports): 6 x 500 ml; 6 x 1 L; 6 x 2.5

Mr. Edward T. Mazzullo
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L; 4 x 4 L 4' drop; and 4 x 4 L 6' drop. These design qualification tests were conducted with a cap application torque of 45 in lb (+/- 5 in lb). All bottles have a 38/439 finish. These design qualification tests were also conducted with the following carton closure applications:

Top Seal-2" Kraft Reinforced Tape	Bottom Seal-Hot Melt Adhesive
Top Seal-2" Kraft Reinforced Tape	Bottom Seal- Hot Melt Adhesive & 3M 355 2" Tape
Top Seal-3M 355 2" Tape	Bottom Seal-3M 355 2" Tape
Top Seal-3M 355 2" Tape	Bottom Seal-3M 355 2" Tape & Hot Melt Adhesive

***The above packagings successfully passed all tests.**

Previous design qualification tests (pre-2004, see attached) for the same packagings were successfully conducted with a 20 in lb (+/- 2 in lb) application torque. The carton closure applications used in these tests were the following:

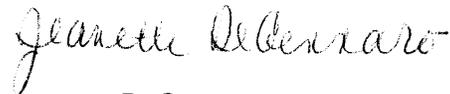
Top Seal-Hot Melt Adhesive	Bottom Seal-Hot Melt Adhesive
Top Seal-3M 355 2" Tape	Bottom Seal-3M 355 2" Tape
Top Seal-Stitched (4x1.5" Staples)	Bottom Seal-Hot Melt Adhesive & Stitched (4x1.5"Staples)
Top Seal- Stitched (4x1.5" Staples)	Bottom Seal- Hot Melt Adhesive & 3M 355 2" Tape

Knowing that the increased application torque of 45 in lb reduces the risks of a leakage in transport, Fisher requests the approval to use the increased application torque and newer carton sealing mechanisms for the identical packagings tested prior to 2004-without further testing.

An interpretation of the above is greatly appreciated.

Very Truly Yours,

FISHER SCIENTIFIC COMPANY



Jeanette DeGennaro
Senior Regulatory Specialist

JDeG:kk

Enclosures

INFOCNTR <PHMSA>

From: DeGennaro, Jeanette [degennaro@Fisherchem.com]
Sent: Wednesday, April 13, 2005 5:08 PM
To: INFOCNTR <PHMSA>
Subject: ATTENTION: Arthur Pollack, Re Fisher Scientific Request for Interpretation Dated 11/17/04 Follow-Up

Mr. Pollack,

Thank you for taking my call earlier today. As we discussed on the phone, I understand that you will reactivate Fisher's request for interpretation dated 11/17/04 regarding Subpart M-Testing of Non-Bulk Packagings and Packages. In summary, Fisher remains interested in receiving written interpretation as to whether or not Fisher can use new torque specifications as well as carton closures (found in the 2004 UN certification reports) on packaging components that were manufactured prior to 2004. The intent is to ensure that we can use up remaining inventory of cartons manufactured and marked '02' (for example) but are assembled and closed according to the 2004 certification report.

Fisher understands that the pre-2004 packaging components are of the same type and design as the ones manufactured 2004 or later. Fisher will only use pre-2004 packaging components that are in good condition considering that most of them date back to a '02' date of manufacture. Please note that Fisher is not interested in using the pre-2004 closures that were not retested in the most recent 2004 certification report.

Please let me know if you need anything else. I can be reached M-F between the hours of 7am-11am at 201-288-2468.

Thank you,

Jeanette DeGennaro
Senior Regulatory Specialist
Regulatory Affairs Department
Fisher Scientific Chemical Division
1 Reagent Lane
Fair Lawn, NJ 07410

4/14/2005