



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUL 27 2005

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

Ms. Colleen A. Orth
Compliance Officer
HazMat Environmental Group, Inc.
New Village Industrial Park
60 Commerce Drive
Buffalo, New York 14218-1040

Ref. No. 05-0114

Dear Ms. Orth:

This responds to your April 27, 2005 letter requesting clarification on "closed bulk bins" under §173.240 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a box van trailer is a "closed bulk bin." You also ask about marking requirements for the bulk packaging.

Section 173.240 authorizes the transportation of certain low hazard solid materials in non-DOT specification sift-proof closed bulk bins. In order to be considered sift-proof, the completed package may not permit the escape of any of the hazardous material contained therein. A "closed bulk bin" is a type of bulk packaging other than a portable tank, cargo tank, tank car and multi-unit tank car. It is the shipper's responsibility to ensure that the packaging provides sift-proof containment at the time of shipment and will continue to provide that containment until the package reaches its final destination. It is the opinion of this Office that a box van trailer is a "closed bulk bin" if the provisions of §173.240 requiring sift-proof containment are met.

In addition to being sift-proof and closed, the package must also meet general packaging provisions of §§ 173.24 and 173.24b. The bins are also subject to the requirements of the special provisions contained in Column 7 of the Hazardous Materials Table (HMT; 172.101), as applicable to the material being transported.

If the Class 9 material is packaged in a non-specification sift-proof closed bulk bin in accordance with §173.240(c), the marking requirements in §§ 172.302, 172.331 and 172.332 apply. Specifically, the bulk container must be marked with the appropriate



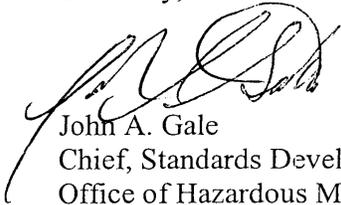
050114

173.240

4-digit UN identification number in the prescribed format. A Class 9 placard is not required for domestic transportation.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is stylized and cursive, with the first name "John" and last name "Gale" clearly visible.

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



Boothe
§173.240
Bulk Packagings
05#0114

New Village Industrial Park
60 Commerce Drive
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HAZARDOUS MATERIALS SERVICES.....TRANSPORTATION.....TRAINING...CONSULTING

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April 27, 2005

Ed Mazzullo
Director, Office of Hazardous Materials Standards
U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

fax: 202-366-5713

Dear Mr. Mazzullo:

Enclosed please find a letter dated May 2, 1994 that your office sent to World Resources Company in response to their letter requesting an exemption from markings/labels on bulk bags transported in an "enclosed truck trailer".

In regards to the above, I would like to request the following:

- o Clarification of the attached letter per your department, that allows generators to ship bulk containers without any markings or labels dependent on the shipping description.
- o An interpretation that requires bulk packages to be marked as such in accordance with 172.302 when transported in a box van trailer. More specifically, for class 9 material regarding 173.240(c), does the definition of a "closed bulk bin" encompass a box van trailer? If you do consider a van a "closed bulk bin" and the material is a hazardous waste, there is no appropriate "container type" for section 12 on a manifest for a box van trailer.

Please respond at your earliest convenience.

Sincerely,

Colleen A. Orth
Compliance Supervisor

/cao
Enclosure

cc: D. Dintino
N. Copelin



US Department
of Transportation

Research and
Special Programs
Administration

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

MAY 2 1994

Mr. Donald E. Gordon and
Mr. Eric Hyatt
QC Corporation
Executive Centre at Hooks Lane
4 Reservoir Circle, Suite 105
Baltimore, MD 21208

Dear Mr. Gordon and Mr. Hyatt:

This is in response to your March 1, and March 21, 1994 letters concerning the transport of closed bulk bags containing more than 1000 pounds of Ferrous sulfate material (Environmentally hazardous substance, solid, n.o.s., 9, UN3077, III, RQ) that are loaded into dump trucks, enclosed truck trailers, intermodal shipping containers or enclosed rail box cars.

You asked whether the above packaging configuration would satisfy the requirement for non-DOT specification sift-proof closed vehicles, closed bulk bins and closed cars in 49 CFR 173.240. You also asked for our confirmation that the bulk bags are not subject to marking and labeling requirements. Your March 21 letter asks whether these bulk bags may be carried onto flat bed trucks.

A vehicle, bin or rail car may be rendered sift-proof in any manner that effectively accomplishes the performance requirement. This may include use of structural features, such as integral gaskets or liners, or non-structural additional packaging materials, such as non-integral liners, bins, or inner packagings. Therefore, sift-proof bulk bags or drums may be used to render a closed vehicle, bin or rail car sift-proof. Obviously, if the inner bulk bags or drums were to release any of their contents in transportation, the performance requirement would not be satisfied.

With regard to hazard communication requirements, the closed vehicle, bin or rail car is not required to display a Class 9 placard for domestic transportation, as provided in § 172.504(f)(9). However, the closed vehicle, bin, or rail car must be properly marked with the identification number displayed on an orange panel, a plain white square-on-point configuration, or on a Class 9 placard in accordance with § 172.331. Because the sift-proof inner drums or bulk bags are considered additional components of the bulk packaging (i.e., vehicle, bin or rail car), the drums and bags loaded therein are not required to display package markings or labels. The total quantity shown on the shipping paper, as required by § 172.202(a)(5), should address the authorized bulk packaging rather than the inner drums or bulk bags. To reduce confusion by enforcement personnel, the total quantity may be shown as "1 truck trailer", "1 bulk bin", or "1 rail car" to differentiate that the truck trailer, bulk bin, or rail car is the bulk packaging rather than the bags. This information may be entered either before or after the basic description.

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A dump truck covered with a tarpaulin or steel cover is considered a "closed vehicle" under § 173.240. Therefore, as previously stated, sift-proof bulk bags loaded into closed vehicles satisfy the requirements of § 173.240. A flat bed truck is not a "closed vehicle" and, therefore, is not authorized for use under § 173.240. However, the transport of bulk bags containing ferrous sulfate that are loaded onto a flat bed truck is authorized under § 173.510 of the HMR, 1990 edition. In this case, the bulk bags must be marked in accordance with §§ 172.302 and 172.331. Also, under the transitional provisions in § 171.14, this packaging authorization under § 173.510 may no longer be used beginning on October 1, 1996.

If we can be of further assistance, please feel free to contact us.

Sincerely,



Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards