



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 22 1999

Mr. Lejo C. Brana, CPP
Riviana Foods Inc.
1702 Taylor Street
Houston, TX 77007

Ref. No. 99-0264

Dear Mr. Brana:

This is in response to your letter dated September 20, 1999, requesting an approval of an alternate drop test procedure for steel drums and a clarification of these requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

During a recent inspection, Riviana Foods, Inc.'s Packaging Testing Center (Riviana), a third party testing agency, was cited with a probable violation of the drop test procedures specified in §§ 178.601(f) and 178.603(a). The probable violation was issued because of failure to perform drop tests using the minimum number of samples and failure to perform drop tests on the weakest part of the drum not tested by the first drop. Specifically, Riviana performed the second drop test on three different parts of a drum, using only one drum for each of the three separate drops.

The provisions of § 178.603(a) require that two separate drop tests be performed. The first drop test, using three samples, must strike the target diagonally on the chime or, if the packaging has no chime, on a circumferential seam or edge. The second drop test, also using three samples, must strike the weakest part of the drum not tested by the first drop.

The second drop test procedure used by Riviana, i.e., performing the second drop test on three separate parts of the drum using one sample each, does not comply with the requirements in § 178.603(a). Additionally, this procedure is not equivalent to that prescribed by the regulations and, therefore, is not eligible for approval as an equivalent packaging under 49 CFR 178.601(h).

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

Sincerely,


Edward T. Mazzullo

Director, Office of Hazardous
Materials Standards



990264

178.603



PACKAGE TESTING CENTER

RIVIANA FOODS INC.

1702 TAYLOR STREET

HOUSTON, TEXAS 77007

FAX: 713/861-9939

TEL: 713/861-8221

September 20, 1999

Mr. Edward Mazzullo
Director
Office of Hazardous Materials Standards
RSPA, US Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590
VIA FAX 202-366-3012

Dear Mr. Mazzullo:

Mr. Thomas L. Lynch, Hazardous Materials Enforcement Specialist, Southwest Region of the Department of Transportation suggested that I write and request for your interpretation and ruling on the drop test procedure for steel drums and other types in the shape of a drum. This procedure is Section 178.601 (f) and 178.603(a) of the Code of Federal Regulations 49.

His inspection of our Third Party Testing Agency as indicated in the attached Exit Briefing show that there is a probable violation in the drop testing procedure. This procedure (Sec. 178.603(a) of 49 CFR prescribes the following for drums:

1. Number of test samples – Six- (three for each drop)
2. Drop Orientation of Samples:
First drop (using three samples). The package must strike the target diagonally on the chime or, if the packaging has no chime, on a circumferential seam or an edge.
Second drop (using the other three samples). The package must strike the target on the weakest part not tested by the first drop, for examples a closure or, for some cylindrical drums, the welded longitudinal seam of the drum body.

In reviewing the above procedure, we find that the first three (3) drops are mandatory on the chime or edge, however, it is not clear that the three (3) other samples must be dropped on the same target without clearly knowing where the next weakest part or parts of the packaging can be.

As a Third Party Testing Agency without confirmed and specific information on where the next weakest part(s) can be in any packaging, dropping the last three (3) samples as the second set of drops in more than one specific target can likewise be a valid procedure. In the absence of a definite interpretation and ruling on this specific case at this time, we are submitting the following for your consideration and response:

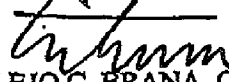
1. That until an official ruling is issued, a waiver be granted to a variation in the drop test procedure to allow for the second set of drops at various targets on the packaging. This procedure can also be valid in determining the drop performance of the packaging (as in the different impact points of the 4G or box type packagings) when compared with the current procedure.



2. That following the grant of a waiver and also considering the validity of the alternate test procedure described above, we requesting for this procedure (covering the second set of drops to strike at different targets) be considered acceptable and an official interpretation and ruling be issued.

Thank you for giving this letter your kind attention and consideration and looking forward to receiving your favorable and prompt reply.

Very truly yours,


LEJO C. BRANA, CPP
Director of Packaging

Cc: Mr. R. B. Mohindra
Ms. E. B. Woodard