



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

FEB 23 2007

Mr. Junius "Jay" Johnson  
Regulatory Compliance Manager  
Inmark, Inc.  
675 Hartman Rd.  
Austell, GA 30168

Ref. No. 06-0269

Dear Mr. Johnson:

This is in response to your electronic transmission requesting clarification of the exceptions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of small quantities (§ 173.4) and biological substances, Category B (§ 173.199). Specifically, you ask whether the HMR provide exceptions, similar to the variations in § 178.601(g), from testing every package configuration when performing drop tests involving glass inner packages containing materials to be packaged in accordance with § 173.4 or § 173.199.

The answer is yes. The exception in § 173.4 for small quantities requires the completed package, as demonstrated by prototype testing, to be capable of sustaining the drop test and compressive load test in § 173.4(a)(6). A non-bulk packaging that differs in only minor respects from a successfully tested prototype may be used without further testing provided the differences would not affect the capability of the package to sustain the drop and compressive load tests specified for small quantity packagings. The selective testing variations in § 178.601(g), although not applicable to non-specification packages, may be used as examples of the types of packaging variations that would not require additional prototype testing under § 173.4.

Packagings intended for the transportation of Category B infectious substances must be capable of successfully passing the drop tests in paragraphs (d) and (h) in § 178.609. Capability may be demonstrated using a number of methods, including actual testing, previous handling and transportation experience, or design specification. Thus, you need not test packagings that differ in only minor respects from a tested packaging if you can



060269

173.4  
173.199  
178.601

demonstrate that the new packaging configuration is capable of successfully passing the required drop tests.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell", enclosed within a faint, hand-drawn oval.

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

McIntyre  
§173.4  
§173.199  
§178.601

**Drakeford, Carolyn <PHMSA>**

**From:** Gorsky, Susan <PHMSA>  
**Sent:** Monday, November 27, 2006 12:08 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Packaging question

Testing  
06-0269

Could you make this an interpretation please? Thanks.

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**From:** Jay Johnson [mailto:jayj@inmarkinc.com]  
**Sent:** Monday, November 27, 2006 11:42 AM  
**To:** Gorsky, Susan <PHMSA>  
**Subject:** RE: Packaging question

Dear Susan Gorsky,  
I have question that I hope you will be able to shed some light on.  
We have a customer that has asked us to design and test a packaging system to be used in the laboratory for shipping small volumes of hazardous chemical samples under 173.4 and biological substances, category B under 173.199.

Is there a link similar to Variation Testing that allows me to do drop tests using fragile glass that would then give me flexibility in the primaries without having to test every configuration?  
Thanks for all your help.

Best regards,  
Jay

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11/27/2006