



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

FEB 2 2004

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

Mr. Cliff Bartley
Manager, Hazardous Materials
Horizon Lines, LLC
5800-1 William Mills Street
Jacksonville, Florida 32226

Ref. No. 03-0325

Dear Mr. Bartley:

This responds to your December 11, 2003 fax requesting clarification on shipping fertilizer under § 176.415(b)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification on acceptable packaging for shipping "Ammonium Nitrate, 5.1, UN 1942, PG III" without a permit under § 176.415(b)(1) by vessel from Florida to San Juan, Puerto Rico.

According to your letter, your customer cannot comply with all of the requirements of a U.S. Coast Guard permit under § 176.415(a) due to the nature of the company's operations. Your customer currently ships the product in plastic 50-pound bags. They wish to use inexpensive combination packagings as authorized in § 173.213 to ship their material without a permit in order to comply with § 176.415(b)(1). They also wish to use combination packaging that will allow them to stack the cargo for maximum utilization of space in a 20-foot metal cargo container. You ask what combination packagings are acceptable, and, what is considered a "non combustible" packaging, e.g., a 5H4 bag?

Based on the information you provided, it is the opinion of this Office that any of the packagings authorized in § 173.213 are acceptable for transporting this product. However, the HMR do not specifically define a "non combustible packaging" It is our opinion that if a packaging burns or ignites from a flammable ignition source, it is combustible. Therefore, your options may be the use of combination packagings with metal, glass, or earthenware inner packagings, or compliance with the U.S. Coast Guard permit requirements in § 176.415(a).

I hope this answers your inquiry.

Sincerely,


Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



030325

173.213
176.415(b)(1)

Boothe
§ 173.213
§ 173.240
§ 171.12
Packagings
03-0325

Thursday, June 20, 2002

Mr. Edward Mazullo
US DOT / RSPA / DHM-10
400 7th Street SW
Washington, DC 20590

Re: Packaging Details for UN1942

Dear Mr. Mazullo:

One of our customers wishes to move Ammonium Nitrate, 5.1, UN1942, PGIII with our company but due to the nature of our operation, we cannot comply with all of the requirements indicated in the U.S. Coast Guard permit. The cargo is expected to move via water from the east coast to San Juan, Puerto Rico. I informed our customer that under CFR 49 176.415 (b)(1), the cargo can move without a permit if the cargo is packaged in rigid packaging with non combustible inner packaging. The cargo currently is moving in plastic 50 - pound bags.

The packaging regulations indicate that the shipper is at liberty to utilize combination packaging consisting of the outer and inner packaging combination listed in 173.213 for non-bulk shipments. What combination is acceptable for this fertilizer? What is the determining factor in certifying that the plastic bags that the cargo currently is moving in is non combustible? Is a 5H4 bag considered "non combustible"? What is the definition for combustibility for solid packaging?

The customer will move this cargo in a 20-foot metal cargo container. He wishes to load a maximum of 40,000 pounds per container. He would like to use inexpensive combination packaging that will allow him to stack the cargo for maximum utilization of space in the container.

Thank you for your assistance.

Sincerely,

Cliff Bartley,
Manager Hazardous Materials/ Maintenance
CSX Lines, LLC