



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

MAY 1 1997

Ms. Diana Haynes  
CEO  
Tool Chemical Company, Inc.  
P.O. Box 71970  
Madison Heights, Michigan 48071

Dear Ms. Haynes:

This is in response to your letter dated February 14, 1997, regarding the testing and periodic retesting frequency for non-bulk packagings and packages specified in § 178.601 (e) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you believe that a frequency of every 10 years instead of every two years is sufficient for periodic retesting of non-bulk packagings.

Section 178.601(e) requires that single or composite packagings be periodically retested every twelve months and that combination packagings be periodically retested every twenty four months. Under Docket HM-181, an annual retest period was originally proposed for both single and combination packagings. Commenters noted that the proposed annual retest requirement was too burdensome for combination packagings. Commenters stated that annual retesting of all variations of combination packagings would place an undue burden on the industry. With many modifications made to these combination packagings to accommodate varying shipping needs, the number of packagings requiring periodic retesting would become so large that it would be unmanageable. One commenter recommended that, to ease the burden, retesting be required every two or three years.

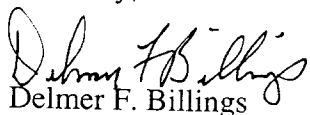
RSPA recognized the difficulties that third party agencies, as well as those who choose to self-certify, might face in keeping up with annual retesting of combination packagings. RSPA also recognized that combination packagings are not produced in the same manner as single or composite packagings, and the number of variations in combination packagings is very large. Therefore, the periodic retesting frequency for combination packagings was changed from annually to every two years in the final rule under Docket HM-181, published December 21, 1990. This extended period for retesting further reduced the burden of testing on combination packagings manufacturers. In addition, certain alternative test methods have been authorized for periodic and production testing, so that the cost to perform these periodic tests can be reduced. RSPA believes these are the minimum retesting frequencies that can be authorized in order to maintain quality control for performance based packagings used to transport hazardous materials.

Ap 172  
8154

The packaging manufacturer must periodically retest to ensure that each packaging produced by the manufacturer is capable of passing the design qualification tests. This retest requirement is only for manufacturers. A shipper may purchase a UN packaging, store it indefinitely and then use it without any testing requirements.

I hope this clarifies our retesting frequencies for performance based packagings under the HMR, and our interest in ensuring quality control and public safety in the transportation of hazardous materials. Thank you for your comments and your interest in the safe transportation of hazardous materials. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,



Delmer F. Billings

Chief, Regulations Development

Office of Hazardous Materials Standards

8154  
AP 270

DUGAN  
1240 NI

# TOOL CHEMICAL COMPANY, INC.

31200 STEPHENSON HIGHWAY • P.O. BOX 71970 • MADISON HEIGHTS, MICHIGAN 48071  
PHONE (810) 588-2270 • FAX (810) 588-5909

**COMPOSITE TOOLING MATERIALS**

February 14, 1997

Office of Hazardous Material Standards  
U.S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

Re: (CFR) Part 178, Subpart on Testing of Non-Bulk Packaging and Packages

To whom it may concern,

Tool Chemical Co., Inc. has been in business for 54 years as of this year. We are a small business trying to survive in whole lot of regulations. Most Compliance Regulations we understand and don't mind at all but the enclosed regulation is completely un-called for with a 2 year re-testing schedule.

I did not mind the first testing of our cartons for the amount of \$4,000.00, but every 2 years with no change in material, cartons, packaging and processing is over kill. Every 2 years I have to spend \$4,000.00 to \$6,000.00 on re-testing when this money could be better spent on improving my building, sales, training, or the hiring of new employees. I believe that if nothing has changed, that once every 10 years would be very sufficient.

Thank you for taking time to listen to my complaint.

Sincerely,



Diana Haynes  
CEO

cc:encl

QP.12/1  
8154

