

SUBJECT 3**SUBJECT 3: Item (Rule) 540, Sec. 4 – Hazardous Materials****Re:** Item (Rule) 540, Sec. 4 – Hazardous Materials**Contact:** Larissa A. Franklin

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Proponent: Freight Classification Development Center**Quick View**

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Subject 3: Item (Rule) 540, Sec. 4 – Hazardous Materials**Quick View:** Item (Rule) 540, Sec. 4 is amended for clarification and alleviating interpretation problems.

SUBJECT 3

Proposed Classification Provisions

It is proposed to amend Item 540, Hazardous Materials, to read as follows:

ITEM 540

HAZARDOUS MATERIALS

Secs. 1-3. No Change.

Sec. 4. Empty Shipping Packages Containing Hazardous Material Residue: Empty shipping packages containing the residue of hazardous material regulated by the U.S. Department of Transportation will be classified as the package itself ⇨when: 1) either the material name, identification number, hazard warning label(s) or placard(s), and any other markings indicating that the material is hazardous have been removed, obliterated or securely covered, or the shipment meets the requirements of 49 CFR § 172.303 for markings and 49 CFR § 172.401(d) for labels; and 2) they are excepted from the hazardous materials regulations, per 49 CFR § 173.29. Otherwise, the package will be classified as the hazardous material contained therein.

While compliance with U.S. Department of Transportation hazardous materials regulations must be made, determination of the applicable class ⇨for packages containing hazardous material residue is subject to Item 680, Sec. 1(a), Note 2(a) and (b).

Sec. 5. No Change.

Notes A-E—No Change.

Analysis and Conclusion

In the interest of clarification and alleviating interpretive issues, Item (Rule) 540, Sec. 4 would be amended to remove the term “only” in the first paragraph and to add phrasing in the second paragraph to elucidate the application of Item (Rule) 680, Sec. 1(a), Note 2(a) and (b).