

§ 173.5

49 CFR Ch. I (10–1–03 Edition)

(3) Each inner receptacle with a removable closure has its closure held securely in place with wire, tape, or other positive means;

(4) Unless equivalent cushioning and absorbent material surrounds the inside packaging, each inner receptacle is securely packed in an inside packaging with cushioning and absorbent material that:

(i) Will not react chemically with the material, and

(ii) Is capable of absorbing the entire contents (if a liquid) of the receptacle;

(5) The inside packaging is securely packed in a strong outside packaging;

(6) The completed package, as demonstrated by prototype testing, is capable of sustaining—

(i) Each of the following free drops made from a height of 1.8 m (5.9 feet) directly onto a solid unyielding surface without breakage or leakage from any inner receptacle and without a substantial reduction in the effectiveness of the package:

(A) One drop flat on bottom;

(B) One drop flat on top;

(C) One drop flat on the long side;

(D) One drop flat on the short side; and

(E) One drop on a corner at the junction of three intersecting edges; and

(ii) A compressive load as specified in § 178.606(c) of this subchapter.

NOTE TO PARAGRAPH (a)(6): Each of the tests in paragraph (a)(6) of this section may be performed on a different but identical package; *i.e.*, all tests need not be performed on the same package.

(7) Placement of the material in the package or packing different materials in the package does not result in a violation of § 173.21;

(8) The gross mass of the completed package does not exceed 29 kg (64 pounds);

(9) The package is not opened or otherwise altered until it is no longer in commerce; and

(10) The shipper certifies conformance with this section by marking the outside of the package with the statement “This package conforms to 49 CFR 173.4” or, alternatively, until October 1, 2001, with the statement “This package conforms to the conditions and limitations specified in 49 CFR 173.4.”

(b) A package containing a Class 7 (radioactive) material also must conform to the requirements of § 173.421(a)(1) through (a)(5) or § 173.424(a) through (g), as appropriate.

(c) Packages which contain a Class 2, Division 4.2 (PG I), or Division 4.3 (PG I) material conforming to paragraphs (a)(1) through (a)(10) of this section may be offered for transportation or transported if specifically approved by the Associate Administrator.

[Amdt. 173–224, 55 FR 52608, Dec. 21, 1990, as amended at 56 FR 66265, Dec. 20, 1991; Amdt. 173–234, 58 FR 51531, Oct. 1, 1993; Amdt. 173–244, 60 FR 50307, Sept. 28, 1995; Amdt. 173–253, 61 FR 27173, May 30, 1996; 65 FR 50460, Aug. 18, 2000; 65 FR 58628, Sept. 29, 2000; 66 FR 33426, June 21, 2001; 66 FR 45183, 45379, 45381, Aug. 28, 2001; 67 FR 61013, Sept. 27, 2002]

§ 173.5 Agricultural operations.

(a) For other than a Class 2 material, the transportation of an agricultural product over local roads between fields of the same farm is excepted from the requirements of this subchapter. A Class 2 material transported over local roads between fields of the same farm is excepted from subparts G and H of part 172 of this subchapter. In either instance, transportation of the hazardous material is subject to the following conditions:

(1) It is transported by a farmer who is an intrastate private motor carrier; and

(2) The movement of the agricultural product conforms to requirements of the State in which it is transported and is specifically authorized by a State statute or regulation in effect before October 1, 1998.

(b) The transportation of an agricultural product to or from a farm, within 150 miles of the farm, is excepted from the requirements in subparts G and H of part 172 of this subchapter and from the specific packaging requirements of this subchapter when:

(1) It is transported by a farmer who is an intrastate private motor carrier;

(2) The total amount of agricultural product being transported on a single vehicle does not exceed:

(i) 7,300 kg (16,094 lbs.) of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging, or

(ii) 1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs.) for solids, of any other agricultural product;

(3) The movement and packaging of the agricultural product conform to the requirements of the State in which it is transported and are specifically authorized by a State statute or regulation in effect before October 1, 1998; and

(4) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of this subchapter.

(c) Formulated liquid agricultural products in specification packagings of 220 L (58 gallons) capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.

(d) See §173.315(m) pertaining to nurse tanks of anhydrous ammonia.

(e) See §173.6 pertaining to materials of trade.

[Amdt. 173-259, 62 FR 1215, Jan. 8, 1997, as amended by Amdt. 173-262, 62 FR 49566, Sept. 22, 1997; Amdt. 173-259, 63 FR 8142, Feb. 18, 1998; 65 FR 50460, Aug. 18, 2000]

#### § 173.5a Oilfield service vehicles.

Notwithstanding §173.29 of this subchapter, a cargo tank mounted on a transport vehicle used in oilfield servicing operations is not subject to the specification requirements of this subchapter if—

(a) The cargo tank and equipment contains only residual amounts (i.e., it is emptied so far as practicable) of a flammable liquid alone or in combination with water,

(b) No flame producing device is operated during transportation, and

(c) The proper shipping name is preceded by "Residual" on the shipping paper for each movement on a public highway.

[Amdt. 173-196, 51 FR 5971, Feb. 18, 1986]

#### § 173.6 Materials of trade exceptions.

When transported by motor vehicle in conformance with this section, a

material of trade (see §171.8 of this subchapter) is not subject to any other requirements of this subchapter besides those set forth or referenced in this section.

(a) *Materials and amounts.* A material of trade is limited to the following:

(1) A Class 3, 8, 9, Division 4.1, 5.1, 5.2, 6.1, or ORM-D material contained in a packaging having a gross mass or capacity not over—

(i) 0.5 kg (1 pound) or 0.5 L (1 pint) for a Packing Group I material;

(ii) 30 kg (66 pounds) or 30 L (8 gallons) for a Packing Group II, Packing Group III, or ORM-D material;

(iii) 1500 L (400 gallons) for a diluted mixture, not to exceed 2 percent concentration, of a Class 9 material.

(2) A Division 2.1 or 2.2 material in a cylinder with a gross weight not over 100 kg (220 pounds), or a permanently mounted tank manufactured to ASME standards of not more than 70 gallon water capacity for a non-liquefied Division 2.2 material with no subsidiary hazard.

(3) A Division 4.3 material in Packing Group II or III contained in a packaging having a gross capacity not exceeding 30 mL (1 ounce).

(4) A Division 6.2 material, other than a Risk Group 4 material, that is a diagnostic specimen, biological product, or regulated medical waste. The material must be contained in a combination packaging. For liquids, the inner packaging must be leak tight, and the outer packaging must contain sufficient absorbent material to absorb the entire contents of the inner packaging. For sharps, the inner packaging must be constructed of a rigid material resistant to punctures and leaks. For all Division 6.2 materials, the outer packaging must be a strong, tight packaging securely closed and secured against movement.

(i) For a diagnostic specimen or biological product, combination packagings must conform to the following capacity limitations:

(A) One or more inner packagings where the gross mass or capacity of each inner packaging does not exceed 0.5 kg (1.1 pound), or 0.5 L (17 ounces), and an outer packaging having a gross mass or capacity not exceeding 4 kg (8.8 pounds) or 4 L (1 gallon); or