



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

FEB 04 2009

Mr. David Gluntz
Packaging Applications for Dangerous Goods, LLC
3583 Blackbottom Court
Columbus, OH 43221-4501

Ref No. 08-0286

Dear Mr. Gluntz:

This responds to your November 24, 2008 email requesting clarification of the provisions in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to intermediate bulk containers (IBCs). In your letter, you present two scenarios:

Scenario 1: If the specification markings on an IBC are destroyed, removed, or covered up, is the package still an IBC?

Response 1: Because the specification markings are destroyed, removed, or covered up, the packaging no longer meets the standards of an IBC in accordance with the HMR. The packaging in your scenario is a non-specification bulk packaging.

Scenario 2: The only specification marking on a packaging is a serial number. The serial number was traced back to a packaging manufacturer who states the packaging was manufactured as a United Nations (UN) standard IBC. Must the packaging, originally a UN standard IBC, be retested in accordance with § 180.352?

Response 2: The answer is no. The packaging in your scenario is not represented as meeting a UN standard, and, therefore, is not required to be retested in accordance with § 180.352. As stated in § 180.352, each IBC constructed in accordance with a UN standard for which a test or inspection specified in paragraphs (b)(1), (b)(2) and (b)(3) of § 180.352 is required may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. Additionally, your packaging may not be used to transport a hazardous material required by the HMR to be transported in UN standard or DOT specification packagings only.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

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

Foster

§ 178.703

§ 180.351

IBC

08-0286

Drakeford, Carolyn <PHMSA>

From: Foster, Glenn <PHMSA>
Sent: Monday, November 10, 2008 7:06 AM
To: INFOCNTR <PHMSA>; Drakeford, Carolyn <PHMSA>; Mazzullo, Ed <PHMSA>
Subject: RE: Specification markings

From: davidgluntz@padgllc.com
 To: infocntr@dot.gov
 Subject: Specification markings
 Date: Wed, 1 Oct 2008 19:08:28 -0400

Dear Mr. Mazzullo,

Friday, September 26th, I spoke with Glenn in the DOT's Information Center. He was very polite, knowledgeable and it was a pleasure to work with him.

I asked Glenn two questions and would like a written confirmation because there currently is confusion within the transportation industry regarding these questions.

Question 1: If the specification markings on a packaging such as an Intermediate Bulk Container (IBC) were destroyed, removed or covered up, is the packaging still an IBC? Glenn responded: No. Because the specification markings were destroyed, removed or covered up, the packaging no longer meets the 49 CFR's specification for an IBC.

Question 2: The only specification marking left on a packaging is the serial number. The serial number was traced back to the packaging manufacturer who stated that the packaging was originally manufactured as an IBC. Question: must this packaging (originally an IBC) be retested per 49 CFR 180.352? Glenn responded: No. Because the packaging's markings are not per the 49 CFR's IBC specification, the packaging no longer is an IBC and is outside the DOT's regulatory jurisdiction.

I am looking forward to settling this issue.

Sincerely,
 David Gluntz

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