



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, SE  
Washington, D.C. 20590

MAR 01 2011

Mr. Brian Biancavilla  
Regional Director, Maxum West  
2640 North 31<sup>st</sup> St.  
Phoenix, AZ 85009

Reference No.: 10-0266

Dear Mr. Biancavilla:

This responds to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of new, finished lubricating oils such as motor oil and transmission fluid, in intermediate bulk containers (IBCs). Specifically, you ask if, assuming the oils do not meet the definition of a hazardous material under the HMR, do the requirements for the qualification of IBCs specified in § 180.351 apply to the containers transporting these lubricating oil products. You also ask whether a carrier can be cited by commercial vehicle enforcement officers for failure to test or re-test the IBCs as stipulated in the requirements for the retest and inspection of IBCs specified in § 180.352.

Provided the materials in your hydraulic oils do not meet the definition of a hazardous material, as defined in the HMR (see § 171.8), the IBC transporting finished lubricating oils you describe are not subject to the requirements of the HMR, including § 180.351. However, as required by § 173.35, when an IBC is identified as a UN specification container by its specification plate, it must meet the specification and be retested in accordance with Part 180, Subpart D regardless of whether the material is hazardous or not. We recommend covering the specification plate if the IBC is not in hazardous materials service.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster".

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division



Andrews  
§ 172.101  
§ 180.352  
IBC's  
10-0266

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U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

To Whom It May Concern:

I am writing today to obtain clarification regarding the transportation of new, finished lubricating oils; such as motor oil, hydraulic oil, and automatic transmission fluid in Intermediate Bulk Containers that are loaded onto stake bed commercial vehicles and utilized for delivery of these products to varying customers in many states within the US.

Are IBC's carrying the above products required to be qualified as stipulated in 49 CFR 180.351? With oil not being listed as a Hazardous Material, does Part 180.351 not apply to containers transporting oil and oil products as identified above?

As oil is not listed in the HMT as a Hazardous Material, can a carrier be cited by commercial vehicle enforcement officers for failure to test or re-test these IBC's as stipulated in 49 CFR Subpart D, 180.352, specifically 180.352(b) and 180.352(e)?

I look forward to your interpretation and guidance on this very pressing matter. Should you have any questions, or should you require any additional information; please do not hesitate to contact me at your convenience.

Sincerely,

Brian Biancavilla  
Regional Director, Maxum West  
Environmental, Health, Safety, & Security  
Maxum Petroleum  
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