



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

NOTICE OF ENFORCEMENT POLICY REGARDING INTERNATIONAL STANDARDS

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) understands that many offerors and carriers of hazardous materials in international transport will soon be adhering to requirements in the internationally-adopted 2021-2022 International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) and Amendment 40-20 of the International Maritime Organization, International Maritime Dangerous Goods Code (IMDG Code). The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) currently authorize offerors and carriers to use the 2019-2020 Edition of the ICAO Technical Instructions and Amendment 39-18 of the IMDG Code.

PHMSA gives notice that while we: (1) continue to evaluate whether to propose the inclusion of the 2021-2022 Edition of the ICAO Technical Instructions and Amendment 40-20 of the IMDG Code in a future notice of proposed rulemaking; and (2) potentially adopt these updated standards in a future final rule, we will not take enforcement action against any offeror or carrier who is using these standards when all or part of the transportation is by air with respect to the ICAO Technical Instructions, or all or part of the transportation is by vessel with respect to the IMDG Code. In addition, PHMSA will not take enforcement action against any offeror or carrier who offers or accepts for domestic or international transportation by any mode packages marked or labeled in accordance with these standards. This enforcement discretion has been coordinated with the Federal Aviation Administration, the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, and the United States Coast Guard, and PHMSA and our four modal partners will exercise the enforcement discretion together.

This notice is limited to the use of the standards incorporated by reference in 49 CFR § 171.7(t) and (v). Offerors and carriers must comply with all other obligations under the HMR and other applicable laws. This notice will remain in effect until withdrawn or otherwise modified.

Issued October 1, 2020, in Washington D.C.

William S. Schoonover
Associate Administrator
for Hazardous Materials Safety

This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a safeguard from departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way.