



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

1200 New Jersey Avenue, SE
Washington, DC 20590

March 21, 2024

Mr. Chas Key
Encore Container
7021 Augusta Road
Greenville, SC 29605

Reference No. 23-0092

Dear Mr. Key:

This letter is in response to your July 28, 2023, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the testing of a UN31HA1 composite intermediate bulk container (IBC) intended to contain liquids. Specifically, you ask whether the HMR require that a composite IBC be vented so that the internal and external pressures reach equilibrium after concluding a drop test performed in accordance with § 178.810.

The answer is no. As noted in your email, the HMR—as provided in § 178.603(f)(1)—states that a non-bulk packaging containing liquids is considered to successfully pass the drop test for each sample tested if each packaging does not leak when equilibrium has been reached between the internal and external pressures, except for inner packagings of combination packagings when it is not necessary that the pressures be equalized. However, for composite IBCs intended to contain liquids, the IBC must be filled to not less than 98 percent of their maximum capacity, and the pressure relief devices must be removed and their apertures plugged or rendered inoperative. *See* § 178.810(b)(1). Furthermore, for all IBC design types—including composite IBCs—the criteria for passing the drop test means: (1) there may be no damage which renders the IBC unsafe to be transported for salvage or for disposal, and no loss of contents; (2) the IBC shall be capable of being lifted by an appropriate means until clear of the floor for five minutes; and (3) a slight discharge from a closure upon impact is not considered to be a failure of the IBC provided that no further leakage occurs. *See* § 178.810(e). As such, there is no specific requirement to vent a composite IBC after concluding a drop test so that the internal and external pressures reach equilibrium. While it is not a requirement, allowing an IBC to reach pressure equilibrium is permissible.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Andrews".

Steven Andrews
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Interpretation Request of 49 CFR 178.810 for Encore of Greenville, LLC dba Encore Container (M6076)
Date: Friday, July 28, 2023 10:59:02 AM

Hi Alice,

Please see the below interpretation request.

Let us know if you need anything else.

Regards,

-Breanna

From: Chas Key <Chas.Key@encorecontainer.com>
Sent: Friday, July 28, 2023 10:02 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Interpretation Request of 49 CFR 178.810 for Encore of Greenville, LLC dba Encore Container (M6076)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My contact information is:

Chas Key
Chief Compliance Officer
Encore of Greenville, LLC dba Encore Container (M6076)
7021 Augusta Rd
Greenville, SC 29605
864-884-3196

From: INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](#)>
Sent: Friday, July 28, 2023 9:52 AM
To: Chas Key <Chas.Key@encorecontainer.com>
Subject: Automatic reply: Interpretation Request of 49 CFR 178.810 for Encore of Greenville, LLC dba Encore Container (M6076)

Thank you for contacting the HAZMAT Info Center (HMIC) within the Pipeline and Hazardous Materials Safety Administration (PHMSA). The HMIC assists with the use of the Hazardous Materials Regulations (HMR), and provides other services as noted on our website (click [here](#)). The information center is staffed Monday through Friday, 9am-5pm EST. This email acknowledges receipt of your inquiry.

To better assist you, we ask that you provide your name, a phone number, and a detailed question or concern. You may respond to this email or contact the HMIC by phone at +1 (800) 467-4922 or +1 (202) 366-4488.

Regards,

HazMat InfoCenter Team