



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

1200 New Jersey Avenue, SE
Washington, DC 20590

July 15, 2025

Randy Stookey
General Counsel
Kansas Agribusiness Retailers Association
816 SW Tyler Street
Topeka, KS 66612

Reference No. 24-0120

Dear Mr. Stookey:

This letter is in response to your December 6, 2024 letter requesting clarification of the Hazardous Materials Regulation (HMR; 49 CFR Parts 171-180) provisions applicable to intermediate bulk containers (IBCs). In your letter, you state that a member of the Kansas Agribusiness Retailers Association (KARA) applied for and then received special permit (DOT-SP 12412) that allows unloading of liquid hazardous materials from an IBC without removing it from the vehicle. DOT-SP 12412 is used to conduct delivery operations of agricultural hazardous materials to field application equipment. However, you seek clarification of several items associated with use of IBCs, the HMR, and DOT-SP 12412—including:

- Use of out-of-test IBCs (*i.e.*, out of specification IBCs) under DOT-SP 12412.
- Draining or disconnecting hoses after unloading hazardous materials and before re-entering transportation.
- Incomplete or lack of shipping records.

We have paraphrased and answered your questions as follows:

- Q1. Should an IBC no longer meeting a specification standard be considered a non-specification portable tank for transportation of low-hazard liquid hazardous material in accordance with § 173.241?
- A1. Yes. If an IBC has not been maintained according to specification requirements of the HMR, it may generally be considered a non-specification bulk packaging provided the specification marking has been removed, destroyed, or covered. More specifically, it may be considered a non-DOT specification portable tank for the purpose of transporting hazardous materials in packing group II or III. Therefore, non-specification IBCs can be considered a non-DOT specification portable tank used to transport moderate to low

hazard liquid material, provided they are suitable for the transportation of liquid hazardous materials—see § 173.241(c).

- Q2. Should a non-DOT specification portable tank that is suitable for transporting liquid hazardous materials be removed from a vehicle before discharging its contents (*i.e.*, unloading)?
- A2. Yes. In accordance with § 177.834(h), for other than a cargo tank or intermodal (IM) portable tank, the contents of a container must not be discharged until after the container is removed from the motor vehicle.
- Q3. Should hoses used to unload content from a non-DOT specification portable tank be disconnected and drained prior to transport?
- A3. Yes. A hose for loading and unloading a non-DOT specification portable tank is not intended to contain hazardous material during transportation. Instead, it serves to connect the authorized transport packaging to a discharging or receiving container. While it is impractical to eliminate all traces of hazardous material residue from these hoses while vehicles are in transit to deliver product, the residue must be removed as much as possible, unless explicitly excepted in the HMR or through a special permit.
- Q4. You note that DOT-SP 12412 applies to UN specification IBCs and DOT specification 57 portable tanks and does not extend to a non-DOT specification portable tank. Is a special permit required to discharge (unload) low hazard materials from a non-DOT specification portable tank without first removing the tank from a vehicle?
- A4. Yes. Because DOT-SP 12412 does not extend to a non-DOT specification tank, a person would need to apply for a special permit to unload a non-DOT specification portable tank without first removing it from the vehicle in accordance with § 177.834(h). See § 107.105 for special permit application requirements.
- Q5. Can KARA members maintain a running master shipping paper for a truck making multiple field deliveries, rather than requiring the carrier to update the shipping document after each delivery; and whether total quantity may be indicated in a similar manner provided for bulk packagings in § 172.202(a)(5)?
- A5. Yes. In accordance with §§ 172.201(e) and 177.817(f)—a person is permitted to use and maintain a single (permanent) shipping paper for multiple shipments of hazardous materials that have the same shipping name and identification number without creating a separate copy for each shipment. When using a permanent shipping paper for multiple shipments, there must be a record of each stop that reflects the shipping name, identification number, quantity transported, and date of shipment after each unloading of hazardous material (see § 177.817(f)). Regarding the quantity transported, where a bulk packaging is used, nothing in either §§ 172.201(e) or 177.817(f) prohibits the packaging types from being used to indicate the quantity transported consistent with the allowance found in § 172.202(a)(5)—*i.e.*, the number of portable tanks. Please note that if a motor

carrier picks up additional quantities of hazardous materials not previously indicated on the shipping paper, the additional quantities must be reflected if the total quantity on the vehicle at any time exceeds the quantity transported as indicated on the shipping paper¹.

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 'Dirk Der Kinderen', with a stylized, cursive script.

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

¹ See letter Ref. No. 00-0001.



Kansas Agribusiness Retailers Association
816 SW Tyler, Topeka, KS 66612

December 6, 2024

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Re: Request for Letters of Interpretation on DOT-SP12412 Compliance Issues

Kansas Agribusiness Retailers Association (KARA) is a voluntary trade association whose membership includes over 700 agribusiness firms that are primarily retail facilities supplying fertilizers, crop protection chemicals, commercial application services and seed to Kansas farmers. KARA serves as a representative voice for the agribusiness industry.

Last year, a KARA member was inspected while unloading (discharging) liquid chemical from intermediate bulk container (IBC) affixed to a tender truck. The chemical was being mixed with water and unloaded at a field into agricultural spray application equipment.

The KARA member was cited for violating USDOT regulation [49 CFR § 177.834\(h\)](#), concerning the regulation of hazardous materials (HM) during transit. The company was required to apply for and receive a US DOT Special Permit (DOT-SP12412) for the unloading (discharging) of liquid HM from a UN IBC without first removing the tanks from the vehicle on which they were transported.

Following the issuance of this special permit, other KARA members have applied for their own DOT-SP12412 for similar tender truck configurations used to deliver agricultural chemicals to field application equipment.

Recently, Pipeline and Hazardous Materials Safety Administration (PHMSA) informed KARA of additional possible violations of USDOT regulations.

1. Use of out-of-test IBCs under DOT-SP12412, and failure to follow the provisions of a DOT-SP12412 by failing to drain or disconnect hoses after unloading chemicals that have not been removed from the vehicle.
2. Failure to make and maintain shipping records in accordance with the regulations.

As KARA members are participants in the production agriculture industry, KARA submits this request to USDOT PHMSA for letters of interpretation of agency regulations to allow for practical compliance solutions for our industry.

1. **Use of Out-of-Test IBC Shuttles and Failure to Drain Intermittent Hoses**

The regulations define “IBC” and “non-specification bulk packaging” tanks separately. An IBC is required to transport HM. An IBC is only a “definitional IBC” if transporting a hazardous material.

However, low-hazard materials may be transported in “non-specification portable tanks,” which are not required to meet the DOT-SP12412 IBC hose drainage requirements.

Under the DOT-SP12412 waiver, HM must be removed from transport hoses prior to transport. DOT-SP12412 requirements do not allow chemicals to be transported while in intermittent hoses between IBCs and the system manifold.

If an IBC can be considered a “non-specification portable tank” when transporting a low-hazard material, then our industry members would not need to comply with the IBC DOT-SP12412 hose drainage requirement for intermittent hoses.

If an IBC is not considered a “non-specification portable tank” when transporting a low-hazard material, then our members would need to apply for a new special permit that accurately reflects the actual operations (i.e. leaving hoses connected) and includes the necessity, effects on safety, and equivalency of safety.

However, currently available technology and equipment does not generally allow the return of chemicals from the intermittent hoses to IBCs in these tender truck configurations. This creates a practical hurdle in complying with the regulation and DOT-SP12412 requirements.

Under 49 CFR 177.834(h), “Discharge of contents of any container, other than a cargo tank or IM portable tank, must not be made prior to removal from the motor vehicle.”

DOT-SP12412 authorizes the discharge of liquid HM from certain **UN Intermediate Bulk Containers (IBCs)** and DOT Specification 57 portable tanks without removing the tanks from the vehicle on which they are transported, so long as special permit provisions are followed, such as disconnecting hoses.

PHMSA Interpretation Letter [08-0286](#) and PHMSA Interpretation Letter [10-0186](#) indicate a UN IBC that no longer meets the standard is a “non-specification bulk packaging.”

Under 49 CFR 173.241, for “[b]ulk packagings for certain low hazard liquid and solid materials”, certain PGIII materials such as Gramoxone aka Paraquat, “non-DOT Specification portable tanks suitable for transport of liquids are authorized.”

Interpretation Request: KARA requests a PHMSA letter of interpretation on whether an IBC can be considered a “non-specification portable tank” based on the low-hazard chemical the IBC contains, when the low-hazard chemical is being transported in an out of test IBC.

If so, then this would avoid the DOT-SP12412 IBC requirement to drain the intermittent hoses of chemical prior to transport, and other such requirements.

Additionally, KARA requests interpretations on the following issues:

- Whether a UN IBC that no longer meets the standard, and is a “non-specification bulk packaging,” can be considered a “non-DOT Specification portable tank suitable for transport of liquids” authorized under 49 CFR 173.241(c).
- Whether “non-DOT Specification portable tanks suitable for transport of liquids” must be physically unloaded from a vehicle prior to filling/discharge, and whether hoses from such tanks must be disconnected and drained prior to transport.
- If a non-DOT Specification portable tank must be removed, and DOT-SP12412 is for UN Intermediate Bulk Containers (IBCs) and DOT Specification 57 portable tanks, but does not include “non-DOT Specification portable tanks suitable for transport of liquids are authorized”, then would a new special permit be required for the discharge of low hazard agronomy chemicals from non-DOT Specification portable tanks?

2. Shipping Documents

PHMSA identified that certain required documents for agricultural chemical HM (bills of lading, manifests, etc.), were not being made, updated, and maintained appropriately during tender truck deliveries of HM chemicals to field application equipment at multiple field locations.

Regulations require shipping documents to be updated after each delivery, which requires our industry members to keep accurate, updated, on-going records of the actual volume of chemical being transported at any given time (following each field delivery).

However, 49 CFR 172.202(a)(5) allows that shipping papers describing the shipment of bulk packaging are allowed to utilize a more generic package quantity/amount, such as “1 cargo tank” or “2 IBCs.”

49 CFR 172.201(e) provides that, for shipments using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number, the carrier may retain a single copy of the shipping paper, instead of a copy for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment.

Applying this portion of the regulation could be applied to spray trailer tender trucks servicing multiple fields and customers. Technically, each new location is an individual shipment, the same as deliveries of bulk fuel and bulk propane. So, in lieu of needing to create multiple shipping papers for each drop, a record of delivery could be maintained with minimal HM information.

The record of shipment requires the “quantity transported” to be reported. However, since this is in a different section, in 173.201, there is a question of whether the regulation requires a record of the actual amount of chemical transported/delivered, or whether it could merely provide the number and package type, such as “2 IBC”.

If the requirement is for the shipping document to record the actual amount of chemical transported/delivered, then the agribusiness would be responsible for maintaining an accurate, updated, record of the amount of HM chemical being transported at all times.

For practical purposes, this would be a departure from commonly accepted business practices. It would also present a practical hurdle given the current technologies and tracking systems available, as the actual amount of chemical in an IBC on these tender trucks, at any given time, is generally unknown when the truck is making multiple stops.

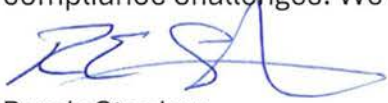
Records of the total sales and deliveries of the agricultural chemicals to field location(s) for customers are maintained, however, and are inspected during records reviews by DOT and the Kansas Department of Agriculture.

Interpretation Request: KARA requests a PHMSA letter of interpretation on the operative regulations to allow industry to make and maintain a running master shipping paper for a truck making multiple field deliveries rather than requiring the carrier to update the shipping documents following each field delivery. See exceptions in 49 CFR 172.202(5). Also See, Record keeping regulation, Title 49 CFR 172.201.

This would be an exception to the specific gallonage requirement, to allow the carrier to make records of “one tank” or “one IBC”, rather than requiring the carrier to update the amount of chemical being transported following each separate field delivery.

Kansas Agribusiness Retailers Association
Request for Letters of Interpretation

Thank you for the opportunity to submit this request for letters of interpretation. We rely on your expertise of these regulations in finding practical solutions to these identified compliance challenges. We look forward to working with you.



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