



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

Pipeline and Hazardous  
Materials Safety  
Administration

NOV 16 2017

Jason Furrer, P.E.  
Project Engineer  
Elkhart Plastics, Inc.  
51703 Packard Drive  
Middlebury, IN 46540

Reference No. 17-0057

Dear Mr. Furrer:

This letter is in response to your May 16, 2017, e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to § 178.801(c)(7)(iv). Specifically, you state you have an intermediate bulk container (IBC) that has a 9-inch lid and a 2-inch center fill port opening. You also state the center fill port opening can be fitted with a pump, micro-valve, or plug. You ask for confirmation of your understanding that this IBC's one port opening is authorized to operate with the pump, micro-valve, and plug connectors it is designed to be attached to, and that the use of these three connectors is authorized under this IBC's one United Nations certification test because they are considered the same design type (i.e., same wall thickness, tank material, and tank size).

Based on the information you provided, your understanding is correct. The HMR require that an IBC must be considered a "different intermediate bulk container" and tested as a new package only if it differs from a previously qualified IBC design type in structural design, including changes to fittings or threads where a pump or other service equipment is designed to be attached; size; material of construction; wall thickness; or manner of construction (*see* § 178.801(c)). The pump, micro-valve, and plug connectors you describe are considered service equipment. The definition of "different intermediate bulk container" does not include a packaging that differs in surface treatment; differs with regard to additives used to comply with §§ 178.706(c), 178.707(c), or 178.710(c); differs only in its lesser external dimensions (i.e., height, width, length); or differs in service equipment. The HMR define IBC service equipment as filling and discharge, pressure relief, safety, heating and heat-insulating devices, and measuring instruments (*see* § 178.700(c)(2)).

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

Sincerely,

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

Edmanson  
§175.801  
IBC  
17-0057

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, May 16, 2017 3:53 PM  
**To:** Hazmat Interps  
**Subject:** FW: Requesting a letter of interpretation

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Furrer has spoken to a number of individuals in the HMIC, including myself.

Please let me know if you have any questions.

Thanks,  
Jordan

**From:** Jason Furrer [mailto:jason.furrer@epi-roto.com]  
**Sent:** Tuesday, May 16, 2017 2:24 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Cc:** Chuck Huston <Chuck.Huston@epi-roto.com>; Cullen Jones <cullen.jones@epi-roto.com>; Steve Cain <steve@taylor-cain.com>  
**Subject:** Requesting a letter of interpretation

DOT,

I have spoken with multiple DOT hazardous material representatives on the DOT hotline, and don't get a real solid answer on 49CFR 178.801 part 7 (iv).

specified in §178.802 of this subchapter.

(7) *Different IBC design type* is one that differs from a previously qualified IBC design type material of construction, wall thickness, or manner of construction, but does not include:

- (i) A packaging which differs in surface treatment;
- (ii) A rigid plastic IBC or composite IBC which differs with regard to additives used to conform to 178.707(c) or 178.710(c);
- (iii) A packaging which differs only in its lesser external dimensions (i.e., height, width, length) and construction and material thicknesses or fabric weight remain the same;
- (iv) A packaging which differs in service equipment.

We have an IBC tank with a 9" lid having a 2" center port with multiple configurations options. The 2" port could be fitted with a pump, or with a micro-valve, or with a plug. My understanding is that all of these configurations could be covered under the same UN certification test since they are the same "design type" (same wall thickness, same tank material, same tank size).

Please clarify this interpretation.

Thank you,

**Jason Furrer, P.E.**

Project Engineer

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