



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

JUN 22 2018

1200 New Jersey Avenue, SE  
Washington, DC 20590

Mr. Len Comtois  
HSSE Consulting Services Inc./NATC Inc.  
2830 Rue du Trotteur  
St-Lazare, Quebec J7T3M2  
Canada

Reference No. 17-0136

Dear Mr. Comtois

This letter is in response to your December 13, 2017, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to Transport Canada specification glass-fibre reinforced plastic (GFRP) cargo tanks. Specifically, you ask if GFRP cargo tanks manufactured in Canada and certified to MC 312/TC 312 and/or TC 412 specification may be loaded in Canada for delivery into the United States and reloaded in the United States for delivery into Canada.

The answer is no. Under the provisions of § 171.12(a)(3), a cargo tank motor vehicle authorized by the Transport of Dangerous Goods (TDG) Regulations may be used when it is equivalent to a corresponding Department of Transportation (DOT) specification authorized by the HMR. The HMR does not authorize GFRP cargo tanks. Therefore, GFRP cargo tanks cannot be transported and reloaded in the United States unless approved under the terms of a special permit.

You may apply to PHMSA for a special permit by submitting an application to the Associate Administrator for Hazardous Materials Safety in conformance with the requirements prescribed in 49 CFR Part 107, Subpart B. In your application, you must provide justification that the packaging design you are considering achieves a level of safety that is equal to or greater than that required under the HMR. You may obtain information on the special permit application process from our website at: <https://www.phmsa.dot.gov/hazmat/special-permits/special-permits-applications> or by calling PHMSA's Approvals and Permits Division at (202) 366-4511.

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

Sincerely,

Duane Pfund  
International Program Coordinator

Constantino  
§ 171.12 (a) (1-2)  
Cargo Tanks  
17-0136

**Dodd, Alice (PHMSA)**

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**From:** Constantino, Lindsey (PHMSA)  
**Sent:** Wednesday, December 13, 2017 12:53 PM  
**To:** Dodd, Alice (PHMSA)  
**Subject:** FW: Our discussion  
**Attachments:** Cargo Tank Compliance 12-7-2017.docx

Hi Alice,

Mr. Comtois has requested a letter of interpretation. The best address is:

HSSE Consulting Services Inc. / NATC Inc.

2830 rue du Trotteur

St-Lazare, Quebec J7T3M2

CANADA

Please let me know if you have any further questions.

Thanks,  
Lindsey

**From:** Len Comtois [mailto:LComtois@natc-inc.com]  
**Sent:** Wednesday, December 13, 2017 8:41 AM  
**To:** Constantino, Lindsey (PHMSA) <l.constantino@dot.gov>  
**Subject:** Our discussion

Hopefully you will get it now..Regards

Len

5145945174



This note will clarify the regulatory requirement for hazardous materials/dangerous goods shipments packaged in GFRP cargo tanks crossing the Canada-US border.

Pursuant to 49 CFR § 171.12(a)(1-2), a hazardous material transported from Canada to the United States or from the United States to Canada can be offered for transportation and transported by a motor carrier in accordance with the Transport Canada Transportation Dangerous Goods regulations subject to the additional provisions of 171.22 and 171.23 (emergency response info - subpart G, training requirements - subpart H, security requirements - subpart I and incident reporting requirements contained in §§171.15 and 171.16 ). The package authorized by Transport Canada and in compliance with the Transportation of Dangerous Goods regulations may be used if it is equivalent to the corresponding DOT specification.

This means that a GFRP cargo tank trailer manufactured in Canada and certified to **MC 312/TC312 and/or TC 412 specification**, marked on the specification/data plate and inscribed by the manufacturer on the cargo tank's certificate of compliance will be deemed to satisfy this requirement and allow it to be loaded in Canada for delivery into the United States and reloaded in the United States for delivery into Canada.

Please note that the use of a GFRP cargo tank (Non-DOT specification package) is prohibited in the United States for point to point transportation unless it is in compliance with a valid (not expired) exemption/special permit granted under 49 CFR § Part 107 to the manufacturer of the cargo tank by the PHMSA. A copy of this exemption/special permit must accompany each shipment of hazardous materials transported by the carrier.