



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DEC 12 2018

Jason Furrer  
Elkhart Plastics, Inc.  
51703 Packard Drive  
Middlebury, IN 46540

Reference No. 18-0107

Dear Mr. Furrer:

This letter is in response to your July 19, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking of intermediate bulk containers (IBCs). Specifically, you ask if it is permissible to mark an IBC with leftover decals showing a higher marked weight than the recertified marked weight.

The answer is no. Section 178.703 requires the marking of the maximum permissible gross mass in kilograms. Marking a higher weight would not meet this requirement. An IBC that is marked to the previously-allowed, higher weight could lead to confusion when filling the package and, possibly, to failure of the package due to overloading.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

Wolcott  
IBC  
18-0107

**Dodd, Alice (OST)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, July 20, 2018 1:04 PM  
**To:** Hazmat Interps  
**Subject:** FW: Requesting a letter of interpretation

Hi Ikeya,

Below is a request for an letter of interpretation. Mr. Furrer spoke with Lysie. Please let me know if you have any questions.

Thanks,  
Jodi

**From:** Jason Furrer [mailto:jason.furrer@epi-roto.com]  
**Sent:** Thursday, July 19, 2018 7:55 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Cc:** Chuck Huston <Chuck.Huston@epi-roto.com>  
**Subject:** Requesting a letter of interpretation

DOT,

Each year we renew our IBC UN certifications there is a potential for the Marked Weight to change. This is a considerable expense in making new decals and disposing of leftover decal inventory.

I am requesting a letter of interpretation to confirm Benjamin Moore's statement that as long as the recertification marked weight comes in below that of the previous certifications, we can continue using the decals of the higher marked weight.

Thank you,

**Jason Furrer, P.E.**

Project Engineer

[www.epi-roto.com](http://www.epi-roto.com)



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