



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 13 2019

Mr. Daniel Stoehr  
Daniels Training Services, Inc.  
P.O. Box 1232  
Freeport, IL 61032-1232

Reference No. 18-0063

Dear Mr. Stoehr:

This letter is in response to your April 17, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to specification packaging. Specifically, you ask several questions about the use of specification packaging for the transportation of non-hazardous materials in commerce when the specification marking is visible on the packaging.

We have paraphrased and answered your questions as follows:

Q1. You ask if a bulk specification packaging (e.g., IBC, tank car, portable tank) that is filled with a non-hazardous material (e.g., water) and offered for transportation after the test or re-inspection date marked on the packaging would comply with the HMR.

A1. The answer is yes. For example, under § 173.35(a), a specification IBC, for which the prescribed periodic retest or inspection under subpart D of part 180 of the HMR is past due, may not be filled and offered for transportation until the retest or inspection have been successfully completed. This requirement is not applicable to an IBC filled with a non-hazardous material. The periodic retest and inspection must be successfully performed before the IBC may be filled with a hazardous material and offered for transportation and transported in commerce. However, if the United Nations (UN) standard or Department of Transportation (DOT) specification packaging is not maintained in accordance with the HMR, we recommend securely covering any identifying marks or specification plates representing it as such.

Q2. You ask if a non-bulk specification packaging (e.g., 208 L steel drum) that is filled with a non-hazardous material that exceeds the marked specific gravity and offered for transportation in commerce would comply with the HMR.

A2. Although not recommended, such a practice is not a violation of the HMR provided the specification packaging design is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested in accordance with the applicable requirements of the

HMR when used to package hazardous materials for transportation in commerce. Please note that a specification packaging exceeding the limitations to which the packaging design was tested may degrade its capabilities.

Q3. You ask if a non-bulk specification packaging (e.g., fiberboard box) that is filled with a non-hazardous solid material and offered for transportation in commerce would comply with the HMR if the completed package exceeds the marked gross mass.

A3. See answer A2.

Q4. You ask if the requirements of the HMR regarding the use of a specification packaging apply when the packaging is used for the transportation in commerce of a non-hazardous material and the specification marking is visible during transport.

A4. Generally, no. However, under § 171.2(g), no person may represent or offer a packaging as meeting the requirements of the HMR unless the packaging is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested in accordance with the applicable requirements of the HMR. These requirements are applicable whether or not the packaging is used for the transportation of a hazardous material. Therefore, if the specification packaging is not maintained in accordance with the HMR, we recommend you securely cover any identifying marks representing it as such. Otherwise, a specification packaging may be used to package a non-hazardous material and be offered for transportation in commerce.

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 Branch  
Standards and Rulemaking Division

Stevens  
Packaging Specs  
18-0063

## January, Ikeya CTR (PHMSA)

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**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, April 17, 2018 2:20 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Letter of Interpretation: Use of a Specification Packaging for Transport of non-Hazardous Material

Hi Ikeya and Alice,

Below is a request for a letter of interpretation. Mr. Stoehr spoke with Eugenio about his questions. Please let me know if you have any questions.

Thanks,  
Jodi

**From:** Daniel Stoehr [mailto:info@danielstraining.com]  
**Sent:** Tuesday, April 17, 2018 11:45 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for Letter of Interpretation: Use of a Specification Packaging for Transport of non-Hazardous Material

Please advise on the following.

### Example:

- A shipper offers for transportation in commerce a non-hazardous material.
- The non-hazardous material is packed in a specification packaging.
- The specification packaging mark is displayed on the packaging and is visible in transportation.

### Question 1:

If shipped in a bulk packaging (IBC, tank car, cargo tank, or portable tank), will its transport in commerce comply with the Hazardous Materials Regulations (HMR) if the bulk packaging has exceeded its re-test and/or re-inspection date marked on the packaging before it was filled and shipped?

### Question 2:

If shipped in a non-bulk packaging, will its transport in commerce comply with the HMR if the specific gravity of a liquid non-HazMat exceeds the specific gravity for which the packaging has been tested and is marked as part of the specification mark?

### Question 3:

If shipped in a non-bulk packaging, will its transport in commerce comply with the HMR if the gross mass of the package (solid non-Hazmat and packaging) exceeds the gross mass for which the packaging has been tested and is marked as part of the specification mark?

### Question 4:

Do the requirements of the HMR for the use of a specification packaging apply when the packaging is used for the transport in commerce of a non-hazardous material and the specification mark is visible during transport?

Thank you and please contact me if you require additional information.

Daniel Stoehr  
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