



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 3 1 2019

Darren Edwards
Llewellyn (Safety Advisors) Europe Ltd.
Evelyn House Business Centre
38 Broad Green
NN8 4LH Wellingborough
Northamptonshire, England

Reference No. 19-0027

Dear Mr. Edwards:

This letter is in response to your January 7, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to intermediate bulk containers (IBCs). Specifically, you ask why the HMR do not limit the use of plastic IBCs to a five-year period, in accordance with the United Nations (UN) Model regulations.

A final rule titled "Intermediate Bulk Containers for Hazardous Materials" published July 26, 1994 (HM-181E; 59 *FR* 38040), adopted requirements for the construction, maintenance, and use of IBCs based on standards outlined in the UN Recommendations on the Transport of Dangerous Goods — Model Regulations. The Research and Special Programs Administration (RSPA), the predecessor agency to PHMSA, received comments in opposition to the proposed five-year period of use (i.e., a five-year service life) for rigid plastic IBCs and plastic inner receptacles for composite IBCs. Additionally, another commenter indicated the action was inappropriate without input from industry regarding what constitutes a suitable service life for plastic IBCs consistent with the approach taken for plastic non-bulk packaging. RSPA agreed with the commenters and did not adopt the proposed five-year service life for plastic IBCs in the HMR.

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

Sincerely,

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

Casey

19-0027

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, March 11, 2019 9:33 AM
To: Hazmat Interps
Subject: FW: Intermediate bulk containers (IBC's)

Hello Alice and Ikeya,

Below is an international request for letter of interpretation.
See original email.

Thanks,

Jonathon, HMIC

From: Darren Edwards [mailto:darren@llewellyneurope.com]
Sent: Thursday, March 07, 2019 7:03 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Intermediate bulk containers (IBC's)

Hi Jonathon,

Many thanks for your response, and I have considered all you have identified, I do however need to formally ask a questions however the link you send did not work and when I look on the website, I can see formal responses, but cannot find a link to make a formal request.

Your help would be greatly appreciated.

kindest regards

Darren

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From: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Sent: 06 February 2019 15:30
To: Darren Edwards <darren@llewellyneurope.com>
Subject: RE: Intermediate bulk containers (IBC's)

Dear Darren,

We have received your inquiry about the hazardous materials regulations (HMR) (49 CFR Parts 171-180).

The HMR prescribes the requirements of the Department of Transportation governing the offering and transportation of hazardous materials in interstate, intrastate, and foreign commerce by rail car, aircraft, motor vehicle, and vessel. While we cannot provide an exhaustive list of each applicable requirement, we suggest you review section(s) 178.700-800 for additional information on IBCs. The hazardous materials regulations are available at the following URL:

<https://www.phmsa.dot.gov/phmsa-regulations>

If you require additional assistance, you may contact the Hazardous Materials Information Center, which is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at +1(202) 366-4488.

Sincerely,

Jonathon, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: Darren Edwards [mailto:darren@llewellyneurope.com]
Sent: Monday, January 07, 2019 5:12 AM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Intermediate bulk containers (IBC's)

Dear sirs,

I am writing to request some information if possible please.

I am working on a project which includes USA manufacturers shipping IBC's into the ADR signatory countries. Historically there have been issues where IBC's are sent to these countries and they have time expired, in that they are in excess of the 5 years allowance in ADR.

Having looked at the UN modal regulations, specifically at 4.1.1.15, whereby plastic IBC's are restricted to be used for no more than 5 years; this part I notice in 49CFR has not been applied to IBC's.

Part of the representation I need to make to the Competent Authorities in Ireland is the background decision on why 4.1.1.15 of UN Model regulations were not implemented for plastic IBC's in 49 CFR, I have trawled your website to try and find this decision, but to no avail.

Your help would be greatly appreciated in this matter, I thank you for your time in reading my request and also for the help in which you may provide.

kindest regards

Darren Edwards

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