



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 3, 2023

Mr. Edgar A. Whittle
Director, Codes & Standards
Bureau Veritas Inspection and Insurance Company
330 Lynnway, Suite 403
Lynn, MA 01901

Reference No. 22-0047

Dear Mr. Whittle:

This letter is in response to your April 21, 2022, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to foreign manufactured United Nations (UN) pressure receptacles. Specifically—with respect to § 173.24(d)(2) regarding UN standard packagings manufactured outside the U.S.—you ask whether a manufacturer of UN pressure receptacles (i.e., cylinders) in a foreign country that follows national or international regulations based on the UN Recommendations on the Transport of Dangerous Goods (UN Recommendations) and that fully conforms to applicable provisions in the UN Model Regulations and the requirements of the HMR, including reuse provisions, can export the cylinders to the U.S. without having the cylinders be inspected by an Independent Inspection Agency (IIA) approved by the Pipeline and Hazardous Materials Safety Administration (PHMSA) Associate Administrator for Hazardous Materials Safety (Associate Administrator).

The answer is no. Except as provided in § 171.23(a)(3)-(5), UN cylinders must be marked “USA” or “CAN” as country of approval for transportation to, from, and within the United States (see § 171.23(a)(2)(iv)). Sections 178.69 through 178.71 contain the requirements applicable to UN cylinders marked “USA” as country of approval. For “USA” marked UN cylinders, these requirements include approval from the Associate Administrator for the manufacturer’s quality system (see § 178.69(a)(1)), IIA design type review and design type approval issued by the Associate Administrator (see § 178.69(b)), and use of a production IIA—approved by the Associate Administrator—to witness inspections and tests during manufacture (see § 178.70(e)).

Please note that if the UN cylinders in question meet one of the following exceptions provided in § 171.23(a)(3)-(5), then the “USA” mark and use of an approved IIA is not required:

- Pi-marked cylinders for import or export (see § 171.23(a)(3));
- Cylinders imported for discharge in a single port area (see § 171.23(a)(4)); or
- Cylinders filled for export or for use on board a vessel (see § 171.23(a)(5)).

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

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

From: [Baker, Yul \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hillman, Kenetha CTR \(PHMSA\)](#)
Cc: [DerKinderen, Dirk \(PHMSA\)](#); [Foster, Glenn \(PHMSA\)](#)
Subject: FW: Request for US DOT interpretation
Date: Thursday, April 21, 2022 12:11:52 PM
Attachments: [US DOT letter.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)

Afternoon Alice,

Can you please file the following attachment as an incoming request for interpretation. The request is being submitted from the field on behalf of Mr. Whittle, Bureau Veritas.

Mr. Yul Brenner Baker Jr.

Transportation Regulations Specialist, Standards Development

USDOT, PHMSA
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave, SE, Washington, DC, 20590
Office number: 202-493-0867

From: Kaltenegger, Jorg (PHMSA) <jorg.kaltenegger@dot.gov>
Sent: Thursday, April 21, 2022 9:59 AM
To: Baker, Yul (PHMSA) <yul.baker@dot.gov>; INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>; Hatfield, Clayton (PHMSA) <clayton.hatfield@dot.gov>
Subject: Fwd: Request for US DOT interpretation

Hello Yul

Can you forward this LOI request from a DAA

If possible I would like to the know the response

Thanks Jorg
Get [Outlook for iOS](#)

From: Edgar WHITTLE <ed.whittle@bureauveritas.com>
Sent: Thursday, April 21, 2022 8:50 AM
To: Kaltenegger, Jorg (PHMSA) <jorg.kaltenegger@dot.gov>
Subject: Request for US DOT interpretation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jorge:

It was a pleasure to finally meet you this week.

I'm following up on our conversation regarding my request for an interpretation on the US DOT regulations.

Below is my question. I've also attached my letter to this email .

We seek clarification on US DOT regulation 49CFR 173.24(d) which states that a UN standard packaging manufactured outside the United States, in accordance with national or international regulations based on the UN Recommendations, may be imported and used and is considered to be an authorized packaging under the provisions of [paragraph 49CFR 173.24\(c\)\(1\)](#), subject to the following conditions and limitations:

- (i) The packaging fully conforms to applicable provisions in the UN Recommendations and the requirements of this subpart, including reuse provisions;
- (ii) The packaging is capable of passing the prescribed tests in [part 178 of this subchapter](#) applicable to that standard; and
- (iii) The competent authority of the country of manufacture provides reciprocal treatment for UN standard packaging manufactured in the U.S.

My question is whether a manufacturer in Poland that manufactures UN cylinders can export the cylinders to the USA without having the cylinders inspected by an Independent Inspection Agency (IIA) approved by the US DOT. The packaging fully conforms to applicable provisions in the UN Recommendations and the requirements of this 49CFR 178, including reuse provisions and the packaging is capable of passing the prescribed tests in [part 178 of this subchapter](#) applicable to that standard.

If the answer is yes, does the competent authority in Poland, provide reciprocal treatment for UN standard packaging manufactured in the U.S.?

We would appreciate any assistance you can provide.

Regards,

Ed

Ed Whittle

Director, Codes & Standards

Bureau Veritas Inspection and Insurance Company

330 Lynnway, Suite 403, Lynn, MA. 01901

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ed.whittle@bureauveritas.com

<http://www.BVNA.com>

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From: Kaltenegger, Jorg (PHMSA) <jorg.kaltenegger@dot.gov>

Sent: Friday, April 15, 2022 1:34 PM

To: Edgar WHITTLE <ed.whittle@bureauveritas.com>

Cc: Sunil Gotmare <sunil.gotmare@bureauveritas.com>

Subject: RE: Pressure Test

Hi Ed,

Thanks for the quick response.

We did some portable tank operations this week in PA, NJ & DE and some of our investigators are new to the UN T1-T22, T50 & T75 containers.

So, I wanted to verify that the hydrostatic pressure test did not involve adding any air pressure after the tank is filled with water.

Confirm that air is not used?

A portable tank surveyor indicated that he 1) fills the tanks with water and then 2) adds AIR pressure to reach the desired min test pressure setting.

This sounded very odd to me and seemed like a quasi-water and pneumatic pressure test.

The marine surveyor also mentioned using a "LV" or "VL" stamp for Lloyd-Veritas or Veritas-Lloyds.

I thought you were BV, I am not sure what the Lloyds connection is.

Does the "LV" or "VL" mark make any sense to you?

I will verify if he is one of yours or belongs to another DA agency. I will keep you posted.

Have a great Easter weekend.

Thanks again for the help.

Jorg Kaltenegger

Investigator, Hazardous Materials Safety - Eastern Region (PHH-42)

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration (PHMSA)

840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628

Mobile: 740.238.9636 | Office: 609.771.7890

Email: jorg.kaltenegger@dot.gov

From: Edgar WHITTLE <ed.whittle@bureauveritas.com>

Sent: Friday, April 15, 2022 1:17 PM

To: Kaltenegger, Jorg (PHMSA) <jorg.kaltenegger@dot.gov>

Cc: Sunil Gotmare <sunil.gotmare@bureauveritas.com>

Subject: Re: Pressure Test

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Dear Jorge:

I confirm that is our procedure.

Where did you get that alternative procedure?

Was it something specific that made you ask this question?

Regards,

Ed

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From: Kaltenegger, Jorg (PHMSA) <jorg.kaltenegger@dot.gov>

Sent: Friday, April 15, 2022 1:05:20 PM

To: Edgar WHITTLE <ed.whittle@bureauveritas.com>

Cc: Sunil Gotmare <sunil.gotmare@bureauveritas.com>

Subject: Pressure Test

Hi Ed and Sunil,

a) I wanted to confirm the 5-yr hydraulic pressure test procedures on a UN portable tank.

- 1) Tank surface shall be dry and clean
- 2) Verify measurement equipment
- 3) The container is totally filled with water
- 4) all air pockets shall be removed by the purges
- 4) Increase water pressure

b) I wanted to confirm that an INCORRECT procedure would be:

- 1) The container is totally filled with water and purged of air
- 2) Add air pressure to reach the min test pressure

Thanks for the assistance.

Have a great weekend.

Jorg Kaltenegger

Hazmat Investigator, Field Operations – Eastern Region

US Department of Transportation

Pipeline and **Hazardous Materials Safety Administration**

840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628

Mobile: 740.238.9636 ♦ Office: 609.771.7890

Email: jorg.kaltenegger@dot.gov

HAZMAT INFO Center: 800.467.4922 or infocntr@dot.gov

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Via email: phmsa.hm-infocenter@dot.gov

October 25, 2021

Associated Administrator for Hazardous Materials Safety
(Attention: Approvals, PHH-32)
Pipeline and Hazardous Materials Safety Administration,
U.S Department of Transportation
400 Seventh Street S.W.
Washington, D.C. 20590-001

Subject: Request for Interpretation on 49CFR 173.24

Dear Sirs:

We seek clarification on US DOT regulation 49CFR 173.24(d) which states that a UN standard packaging manufactured outside the United States, in accordance with national or international regulations based on the UN Recommendations, may be imported and used and is considered to be an authorized packaging under the provisions of [paragraph 49CFR 173.24\(c\)\(1\)](#), subject to the following conditions and limitations:

- (i) The packaging fully conforms to applicable provisions in the UN Recommendations and the requirements of this subpart, including reuse provisions;
- (ii) The packaging is capable of passing the prescribed tests in [part 178 of this subchapter](#) applicable to that standard; and
- (iii) The competent authority of the country of manufacture provides reciprocal treatment for UN standard packaging manufactured in the U.S.

My question is whether a manufacturer in Poland that manufactures UN cylinders can export the cylinders to the USA without having the cylinders inspected by an Independent Inspection Agency (IIA) approved by the US DOT. The packaging fully conforms to applicable provisions in the UN Recommendations and the requirements of this 49CFR 178, including reuse provisions and the packaging is capable of passing the prescribed tests in [part 178 of this subchapter](#) applicable to that standard.

If the answer is yes, does the competent authority in Poland, provide reciprocal treatment for UN standard packaging manufactured in the U.S?

If you need additional information, I may be reached at (781) 584-1104 / Fax (781) 584-1119 or email: ed.whittle@bureauveritas.com.

Respectfully submitted,

Ed Whittle

Edgar A. Whittle
Director, Codes & Standards