



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

JUN 25 2008

Mr. Russell Keith  
Engineering  
packgen Corporation  
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Auburn, Maine 04211

Ref. No.: 08-0114

Dear Mr. Keith:

This responds to your April 28, 2008 letter concerning the design and construction requirements for flexible intermediate bulk containers (IBCs) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a flexible IBC may be tested and marked as UN specification 13HZ if the flexible IBC does not have top lifting devices attached to it and is intended to be placed on a pallet, which is relied upon for mechanical lifting.

An *Intermediate Bulk Container* is defined by the HMR as a rigid or flexible portable packaging, other than a cylinder or portable tank, that is designed for mechanical handling (see § 171.8). A *handling device* for flexible IBC packagings is defined as any sling, loop, eye, or frame attached to the body of the IBC or formed by the continuation of the IBC body material (see § 178.710(b)(3)). If a flexible bulk packaging does not have any design features for mechanical handling (i.e., handling devices), then it does not meet the definition of an IBC under the HMR, and may not be tested and marked as UN specification 13HZ. Placement of a packaging on a pallet for mechanical handling does not satisfy the portion of the IBC definition that requires the packaging itself to be designed for mechanical handling.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

h John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



Eichenlaub  
§ 178.803  
Testing of IBC's  
08-0114

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April 28, 2008

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Subject: Flexible IBC without lift straps

Dear Mr. Director,

I have a question regarding the construction requirements for a Flexible Intermediate Bulk Container. We have recently seen Flexible IBC's without top lifting devices and attached to a pallet for transport. We have always been of the understanding that a Flexible container must have integral lifting devices such as straps and / or sling(s) in order to lift the IBC. We come to this conclusion after reviewing § 178.710 (b)(3) the definition of the handling devices for Flexible IBC's. Our belief is further reinforced by reviewing § 178.803 Testing and Certification of IBC's in which one must perform several tests on the Flexible IBC that require that the IBC be suspended by it's lifting device(s). These tests are the Top Load, Righting, and Tear respectively.

My questions are:

Is it possible to have a Flexible IBC with a UN marking of 13HZ that did not have any top lifting devices but, was intended to be placed on a pallet as it's sole means of lifting?

If yes what test would be required to satisfy the requirements of § 178.803?

**Sincerely,**

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