



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JUL 20 2016

L'Gena Shaffer
COSTHA
10 Hunter Brook Lane
Queensbury, NY 12804

Ref. No. 16-0014

Dear Ms. Shaffer:

This responds to your January 26, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to IBC codes. Specifically, you note that a final rule published on January 8, 2015 [(HM-215M); 80 FR 1075] amended the HMR to authorize certain solid materials to be packaged in accordance with Special Provision "IB8" (IBC code). Additionally, you state that this change is not reflected in §§ 178.702(a)(1) and 178.707(a)(5) given that both sections indicate that a packaging meeting the requirements for a Specification 31HZ1 IBC is only authorized for liquids. You ask if this was an editorial oversight.

The answer is no. Sections 178.702(a) and 178.707(a) address nomenclature for UN Specification IBCs designed for transport of liquids. We do not believe a conforming change needs to be implemented. Final rule HM-215M did reinstate UN specification 31HZ1, along with several other UN specification IBCs, for liquid material as authorized packaging under IBC Codes IB4 through IB8 assigned to certain solid material. Prior to removal of the IBC specifications (for liquids) from IBC Codes IB4 through IB8 under rulemakings HM-215K [76 FR 3307] and HM-215L [78 FR 987] there was not an indication in either §§ 178.702(a)(1) or 178.707(a)(5) that solids were authorized in these packagings. Moreover, there was also not an indication in §§ 178.705(a) and 178.706(a) for metal and rigid IBCs, respectively, designed for liquids that were also authorized packagings for certain solids. Making a conforming edit would entail more than just the sections you reference associated with UN Specification 31HZ1 IBC. Furthermore, this provision of the HMR is currently harmonized with the revisions to the UN Model Regulations.

At this time, we do not believe an amendment to include a reference to solid materials is necessary or appropriate.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

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

Cuccarone
178.702
IBC Codes
16-0014

Goodall, Shante CTR (PHMSA)

From: Foster, Glenn (PHMSA)
Sent: Wednesday, January 27, 2016 7:08 AM
To: Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)
Cc: Wiener, Aaron (PHMSA); Stevens, Michael (PHMSA); Betts, Charles (PHMSA); DerKinderen, Dirk (PHMSA); Foster, Glenn (PHMSA); Kelley, Shane (PHMSA); Pfund, Duane (PHMSA); Supko, Ben (PHMSA)
Subject: Question on IBC's & HM215M

Alice / Shante,

Please have the email below checked in as a request for a letter of interpretation and assign it to a Specialist.

Thanks,
Glenn

From: Stevens, Michael (PHMSA)
Sent: Tuesday, January 26, 2016 12:01 PM
To: 'L'Gena Shaffer'
Cc: Lara Currie; Chris Yakush; Tom Ferguson; Foster, Glenn (PHMSA); Betts, Charles (PHMSA); Wiener, Aaron (PHMSA)
Subject: RE: Question on IBC's & HM215M

What you sent is sufficient to generate a request for interpretation. Thanks again.

From: L'Gena Shaffer [<mailto:Lgena@costha.com>]
Sent: Tuesday, January 26, 2016 11:57 AM
To: Stevens, Michael (PHMSA)
Cc: Lara Currie; Chris Yakush; Tom Ferguson; Foster, Glenn (PHMSA); Betts, Charles (PHMSA); Wiener, Aaron (PHMSA)
Subject: RE: Question on IBC's & HM215M

Happy 2016 to you as well!

Thank you so much for the prompt response Michael!

Will you be able to take the email request for the interpretation or do you need something more formal?

Best regards,

L'Gena Shaffer, CDGP

Technical Consultant

COSTHA

10 Hunter Brook Lane

Queensbury, NY 12804

<http://www.costha.com>

lgena@costha.com

O: 518-761-0389 Extn. 206

COSTHA Office: 518-761-0389

F: 518-792-7781

COSTHA 2016 Annual Forum & Expo - April 24-27 -- Clearwater, FL



Council on Safe Transportation of Hazardous Articles

CONFIDENTIAL: UNAUTHORIZED USE OR DISCLOSURE IS STRICTLY PROHIBITED.

This information is intended to provide interpretative and authoritative information in regard to the subject matter covered as a service to our clients and has been answered to the best of our ability based on the information provided to us. We do not guarantee the accuracy or completeness of any such interpretation or information, however, nor do we warrant that compliance with any advice we provide will guarantee compliance with any legal or regulatory requirements. Our statements or opinions do not convey legal interpretation and government authorities or legal counsel should be contacted for such a response.

From: michael.stevens@dot.gov [mailto:michael.stevens@dot.gov]
Sent: Tuesday, January 26, 2016 11:25 AM
To: L'Gena Shaffer <Lgena@costha.com>
Cc: Lara Currie <Lara@costha.com>; Chris Yakush <Chris@costha.com>; Tom Ferguson <Tom@costha.com>; Glenn.Foster@dot.gov; charles.betts@dot.gov; Aaron.Wiener@dot.gov
Subject: RE: Question on IBC's & HM215M

Greetings and Happy New Year L'Gena,

Because IB8 is indicated in column 7 of the § 172.101 HMT for UN1727 and a 31HZ1 composite IBC is indicated in IB8 of the § 172.102(c)(4) Table 1 list of IBC Codes, I see absolutely no reason a 31HZ1 composite IBC can't be used for an authorized solid as the HMR is currently written. In my opinion, we can editorially revise the construction requirements in part 178 for consistency purposes at our earliest opportunity and respond to your request for clarification through an interpretation without having to file a petition with PHMSA for a rule change. Thank you for bringing this matter to our attention.

Best,

Michael

From: L'Gena Shaffer [mailto:Lgena@costha.com]
Sent: Tuesday, January 26, 2016 10:26 AM
To: Stevens, Michael (PHMSA)
Cc: L'Gena Shaffer; Lara Currie; Chris Yakush; Tom Ferguson
Subject: Question on IBC's & HM215M

Michael,

We'd like to get your opinion on a potential oversight that occurred during the harmonization rulemaking HM-215M. Would you please review the information below and if an error please advise if this can be corrected as an oversight or if a petition is required?

In HM 215M, PHMSA aligned the HMR with the UN Model Regulations allowing the use of 31HZ1 for the shipment of solid materials. The hazmat table authorizes the use for this type of IBC under IB8 for the shipment of UN1727, which is a stable solid with no liquid phase. However, §178.707(a)(5) and §178.702(a)(1) do not reflect this change; both sections still only show 31HZ1 as being approved for liquids only.

Ammonium hydrogendifluoride, solid	8	UN1727	II	8	IB8, IP2, IP4, N34, T3, TP33	154	212	240
------------------------------------	---	--------	----	---	------------------------------	-----	-----	-----

Here is the HM215M text concerning this change.

In two final rules published in the Federal Register on January 19, 2011 (76 FR 3308; HM-215K) and January 7, 2013 (78 FR 988; HM-215L) the Table 1 (IBC Codes) in paragraph (c)(4) were editorially revised to remove UN Specifications 31A, 31B, 31N, 31H1, 31H2, 31HZ1, and 31HZ2 from IBC Codes IB4 through IB8. The revisions were consistent with amendments to the UN Model Regulations that removed the specifications from the indicated codes in the table because IBC Codes IB4 through IB8 are assigned to solids, whereas, UN Specifications 31A, 31B, 31N, 31H1, 31H2, 31HZ1, and 31HZ2 are authorized for transportation of liquids and IBC Codes IB1 through IB3 and are assigned to liquid materials only. Information presented to the UN Committee of Experts on the Transport

of Dangerous Goods (UNCOE) in this last biennium indicated that the removal of the above UN Specifications from IBC Codes IB4 through IB8 has created a problem. Prior to implementation of these revisions, certain liquid IBC types were used to transport powdery solids and solids that become liquid under conditions of transport. These solids may be loaded and unloaded from the IBC in liquid form raising the question of whether the remaining IBCs, which are intended for gravity or pressure discharge, are appropriate. The UN sub-committee adopted a proposal to reinstate the IBCs that were previously authorized. In this final rule, we are harmonizing with the UN Model Regulations by revising the IBC Codes IB4 through IB8 in paragraph (c)(4), Table 1 (IBC Codes) to reinstate IBC's previously authorized.

Best regards,

L'Gena Shaffer, CDGP

Technical Consultant

COSTHA

10 Hunter Brook Lane

Queensbury, NY 12804

<http://www.costha.com>

lgena@costha.com

O: 518-761-0389 Extn. 206

COSTHA Office: 518-761-0389

F: 518-792-7781

COSTHA 2016 Annual Forum & Expo - April 24-27 - Clearwater, FL



Council on Safe Transportation of Hazardous Articles

CONFIDENTIAL: UNAUTHORIZED USE OR DISCLOSURE IS STRICTLY PROHIBITED.

This information is intended to provide interpretative and authoritative information in regard to the subject matter covered as a service to our clients and has been answered to the best of our ability based on the information provided to us. We do not guarantee the accuracy or completeness of any such interpretation or information, however, nor do we warrant that compliance with any advice we provide will guarantee compliance with any legal or regulatory requirements. Our statements or opinions do not convey legal interpretation and government authorities or legal counsel should be contacted for such a response.