



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

JUL 27 2017

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

Reference No. 17-0031

Dear Mr. Stoehr:

This letter is in response to your March 10, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to plastic non-bulk packagings. You note that the International Air Transport Association's (IATA) Dangerous Goods Regulations (DGR) and the International Maritime Organization's (IMO) International Maritime Dangerous Goods (IMDG) Code specify that a plastic drum (1H) or jerrican (3H) is limited to a period of use of no more than 5 years from its date of manufacture. You ask whether the HMR similarly limit the use of these packagings to 5 years from the date of manufacture.

The answer is no. Unless otherwise approved by an appropriate national authority, International Civil Aviation Organization's (ICAO) Technical Instructions (TI) for the Safe Transport of Dangerous Goods by Air (see 4; 1.1.20) and the IMDG Code (see 4.1.1.15) limit all use of these packagings to within 5 years of the date of manufacture. However, as the competent authority of the United States (i.e., the national authority), the HMR do not impose a similar limitation on the use (initial or continued) of a packaging based on its date of manufacture. The HMR authorize use of a packaging beyond a 5-year service life. Regardless of timeframe, the reuse and reconditioning of these packagings are subject to conditions in § 173.28.

While your question references IATA's DGR, the DGR do not have official standing under the HMR, thus our reference to the ICAO TI.

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  
17304  
Packaging General  
17-0031

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, March 13, 2017 3:42 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request Letter of Interpretation: Limit on Term of Use for Plastic Drum or Jerrican

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Mr. Stoehr.

Please let me know if you have any questions.

Thanks,  
Jordan

**From:** Daniel Stoehr [mailto:info@danielstraining.com]  
**Sent:** Friday, March 10, 2017 3:18 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Re: Request Letter of Interpretation: Limit on Term of Use for Plastic Drum or Jerrican

Unfortunately, that letter of interpretation doesn't address the issue as clearly as I require. LOI 16-0021 addresses the **reuse** of a plastic packaging. My question is specific to the **initial** use of a plastic drum or jerrican and whether or not the HMR limits this initial use to within 5 years of the date of manufacture as does the IATA DGR and IMDG Code.

Therefore, I request a letter of interpretation from PHMSA regarding the question I posed in my email of 03.09.17.

Thank you for your assistance.

--  
Daniel Stoehr  
Daniels Training Services, Inc.  
815.821.1550  
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**Subscribe to my Monthly Newsletter**

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On Fri, Mar 10, 2017 at 9:51 AM, INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov> wrote:

Daniel,

Attached is the document that you requested during our phone call. Additionally, you can access the Code of Federal Regulations at [www.ecfr.gov](http://www.ecfr.gov). I hope that this information is helpful.

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 [\(800\) 467-4922](tel:8004674922) or [\(202\) 366-4488](tel:2023664488). Alternatively, if you would like a regulatory specialist to contact you directly, please respond to this e-mail with a telephone number where you can be reached between 9 AM and 5 PM EST.

Sincerely,

Jordan

Hazardous Materials Information Center

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

**From:** Daniel Stoehr [mailto:[info@danielstraining.com](mailto:info@danielstraining.com)]

**Sent:** Thursday, March 09, 2017 11:22 PM

**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

**Subject:** Request Letter of Interpretation: Limit on Term of Use for Plastic Drum or Jerrican

The regulations of the PHMSA/USDOT, International Air Transport Association (IATA), and the International Maritime Organization (IMO) each require all non-bulk packagings in compliance with the Non-bulk Performance-Oriented Packaging Standards to be marked with the last two digits of their year of manufacture. A drum or jerrican manufactured of plastic - identification codes 1H and 3H, respectively - must also be marked with the month of manufacture.

The regulations of these three entities differ, however, on the issue of the permitted term of use for a plastic packaging. Both the IATA Dangerous Goods Regulations and the IMO Dangerous Goods Code specify that a plastic drum or jerrican (also a rigid plastic IBC and composite IBC with plastic inner receptacles) is limited to a term of use of no more than five (5) years from its date of manufacture. A similar statement can not be found in the PHMSA/USDOT Hazardous Materials Regulations. A conversation with the PHMSA Hazardous Materials Information Center confirmed that, subject to the HMR, there is no limit on the term of use or lifespan of a plastic packaging for the transport of a hazardous material.

Please confirm if my interpretation is correct in the form of a written letter of interpretation to the address below

Thank you for your assistance.

--

Daniel Stoehr

Daniels Training Services, Inc.

PO Box 1232 / Freeport, IL 61032

815.821.1550

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[www.DanielsTraining.com](http://www.DanielsTraining.com)