



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 10 2016

Mr. Patrick F. McAtarian
General Manager
Andax Industries LLC
613 West Palmer Street
Saint Marys, KS 66536

Reference No. 16-0173

Dear Mr. McAtarian:

This letter is in response to your October 21, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of a flexible intermediate bulk container (FIBC). Specifically, you indicate that you have a regulated liquid packaged in an "inner package, container, or article" that is then placed in a UN13H4 rated FIBC. You ask if this is an authorized packaging configuration.

The answer is no. With the exception of "large packagings" (*see* § 171.8), a "bulk package"—such as an FIBC—is defined as a package that is loaded with a hazardous material with no intermediate form of containment. An intermediate form of containment would include an inner packaging, container, or article. Therefore, it is the opinion of this Office that a UN13H4 FIBC is not authorized to be loaded with an inner packaging, container, or article.

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

Goodall, Shante CTR (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Friday, October 21, 2016 2:21 PM
To: Hazmat Interps
Subject: FW: Request for clarification
Attachments: PHMSA -Request for Clarification.pdf

Celler
171.8
Bulk Packaging
16-0173

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. McAtarian has spoken with numerous HMIC staff on this question.

Please let me know if you have any questions.

Thanks,
Jordan

From: Patrick F. McAtarian [<mailto:pmc@andax.com>]
Sent: Friday, October 21, 2016 1:22 PM
To: INFOCNTR (PHMSA)
Cc: mmc@andax.com; jbunn@andax.com
Subject: Request for clarification

To whom it may concern,

By way of introduction, my name is Patrick McAtarian of Andax Industries. The attached letter is a request for clarification regarding compliance with DOT regulations for FIBC's with inner packaging.

Thank you in advance for your time and attention regarding this request. Should you have any question or comments please contact me directly at 785-437-0604. Otherwise I look forward to your response.

Sincerely,

Patrick F. McAtarian

/SAG

Andax Industries LLC
613 West Palmer St
Saint Marys, KS 66536

Phone: (800)-999-1358
Fax: (888)-443-4732

E-Mail: pmc@andax.com
Web: www.andax.com

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10/21/16

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Attn: Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Via: Email delivery INFOCNTR@DOT.GOV

To Whom It May Concern,

I have an FIBC marked with the following UN Certification: UN13H4/Y/0516/USA/+AA6364/0/635.

According to my understanding of the definitions listed in 49 CFR 178.8 –, an FIBC is defined as follows:

“Bulk packaging means a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment. A Large Packaging in which hazardous materials are loaded with an intermediate form of containment, such as one or more articles or inner packagings, is also a bulk packaging. Additionally, a bulk packaging has:

- (1) A maximum capacity greater than 450 L (119 gallons) as a receptacle for a liquid;*
- (2) A maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid; or*
- (3) A water capacity greater than 454 kg (1000 pounds) as a receptacle for a gas as defined in §173.115 of this subchapter.”*

“Intermediate bulk container or IBC means a rigid or flexible portable packaging, other than a cylinder or portable tank, which is designed for mechanical handling. Standards for IBCs manufactured in the United States are set forth in subparts N and O of part 178 of this subchapter.”

In your Letter of Clarification # 13-0093 dated August 13, 2013 it is stated “The HMR do not authorize IBCs to contain inner packagings.” The only exception noted, being the permit holder or party to, DOT-SP 12296.

49 CFR 178.8 defines inner packagings as the following:

“Intermediate packaging means a packaging which encloses an inner packaging or article and is itself enclosed in an outer packaging.”

Therefore, other than DOT SP 12296, would a shipper be in compliance with UN/DOT regulations by placing an article, container or inner package containing a regulated liquid material in the aforementioned UN/DOT rated FIBC and placing it on a vehicle for transportation?

Thank you in advance for your assistance and clarification on this matter.

Sincerely,

Patrick F. McAtarian
General Manager

Sag/PM