



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

JUN 22 2011

Mr. Terry Iker  
Ropak Packaging  
1350 Arthur Avenue  
Elk Grove Village, IL 60007

Reference No.: 11-0069

Dear Mr. Iker:

This responds to your March 17, 2011 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to closure methods. Specifically, you describe a scenario in which a company's primary closure method for a specification plastic drum (included in its closing instructions) utilizes a pneumatic plunger type lidder. You ask if using alternative methods of closure (such as roller lidders or a mallet), in addition to the primary closure method for the specification plastic drum, constitutes a design change and thus, requires the package to be requalified?

The answer is yes. Section 173.22(a)(4) requires a person to perform all functions necessary to bring the package into compliance with parts 173 and 178. It is the opinion of this Office that using closure methods other than those specifically allowed by the specification packaging's closure instructions would constitute a design change. Therefore, any package using a closure method other than required by the specified closing instructions for that package would need to be requalified. If you make a design change, you are required to maintain a record of each design qualification test in accordance with § 178.601(l). The test record must include a description of the packaging design type, including methods of closure. You may maintain a single test record and test report identification number for identical packaging that differ only in method of closure, provided each method of closure is documented in the test report and the packaging successfully passes the required tests when closed in accordance with each closure method identified in the test report.

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

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Andrew  
§177.800  
§177.870

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, March 17, 2011 11:02 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for clarification

Highway  
11-0069

Hi Carolyn,

We received the following request for a letter of interpretation at the Info Center.

Thanks,  
Victoria

Victoria Lehman  
Hazmat Information Center (HMIC)  
Pipeline & Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE,  
E21-119 Washington, D.C. 20590  
<http://phmsa.dot.gov/hazmat/info-center>  
(202) 366-1035

-----Original Message-----

**From:** PHMSA-Feedback [mailto:PHMSA-Feedback]  
**Sent:** Wednesday, March 16, 2011 4:25 PM  
**To:** PHMSA HM InfoCenter; PHMSA Webmaster  
**Subject:** Hazmat Information Center Feedback: Highway (Sections 177.800 &ndash; 177.870)

Please consider the following important request for clarification as there are potential economic implications:

There is an ongoing debate between the plastic pail industry and PHMSA's Enforcement office as to whether a change in closure method (applying lid to an open head pail) constitutes a change in design?

If a company's primary closure method (also included in their Closing Instructions) utilizes a pneumatic plunger type lidder, would they need to requalify the design if said company also chooses to include alternative methods of closure such as roller lidders or mallet on their Closing Instructions? Full engagement of lid to pail is integral to successful performance testing. Closure method only needs to ensure this full engagement. As such, we are of the opinion that the design has not changed.

Thank you in advance for your consideration and review on this matter.

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**Name:** Terry Iker  
**Organization:** Ropak Packaging  
**Email:** [terry\\_iker@ropakcorp.com](mailto:terry_iker@ropakcorp.com)  
**Address:** 1350 Arthur Ave  
**City:** Elk Grove Village  
**Zip Code:** 60007  
**Phone:** 847-709-8080