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# Specification Packaging Marking/Hazardous Materials Regulations: Pipeline Hazardous Materials Safety Administration Addresses Transportation of Non- Hazardous Materials

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in a March 13th letter a request for clarification of the Hazardous Materials Regulations (“HMR”) applicability to specification packaging. See Reference No. 18-0063.

PHMSA was responding to an April 17, 2018, letter from Daniels Training Services, Inc. (“DTSI”).

DTSI asked several questions related to the use of specification packaging for the transportation of non-hazardous materials in commerce when the specification marking is visible on the packaging. The DTSI questions and PHMSA responses include:

Q 1. You ask if a bulk specification packaging ( e.g., IBC, tank car, portable tank) that is filled with a non-hazardous material (e.g., water) and offered for transportation after the test or re-inspection date marked on the packaging would comply with the HMR.

A1. The answer is yes. For example, under § 173.35(a), a specification IBC, for which the prescribed periodic retest or inspection under subpart D of part 180 of the HMR is past due, may not be filled and offered for transportation until the retest or inspection have been successfully completed. This requirement is not applicable to an IBC filled with a non-hazardous material. The periodic retest and inspection must be successfully performed before the IBC may be filled with a hazardous material and offered for transportation and transported in commerce. However, if the United Nations (UN) standard or Department of Transportation (DOT) specification packaging is not maintained in accordance with the HMR, we recommend securely covering any identifying marks or specification plates representing it as such.

Q 2. You ask if a non-bulk specification packaging ( e.g., 208 L steel drum) that is filled with a non-hazardous material that exceeds the marked specific gravity and offered for transportation in commerce would comply with the HMR.

A 2. Although not recommended, such a practice is not a violation of the HMR provided the specification packaging design is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested

in accordance with the applicable requirements of the HMR when used to package hazardous materials for transportation in commerce. Please note that a specification packaging exceeding the limitations to which the packaging design was tested may degrade its capabilities.

Q 3. You ask if a non-bulk specification packaging ( e.g., fiberboard box) that is filled with a non-hazardous solid material and offered for transportation in commerce would comply with the HMR if the completed package exceeds the marked gross mass.

A 3. See answer A2.

Q 4. You ask if the requirements of the HMR regarding the use of a specification packaging apply when the packaging is used for the transportation in commerce of a non-hazardous material and the specification marking is visible during transport.

A 4. Generally, no. However, under§ 171.2(g), no person may represent or offer a packaging as meeting the requirements of the HMR unless the packaging is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested in accordance with the applicable requirements of the HMR. These requirements are applicable whether or not the packaging is used for the transportation of a hazardous material. Therefore, if the specification packaging is not maintained in accordance with the HMR, we recommend you securely cover any identifying marks representing it as such. Otherwise, a specification packaging may be used to package a non-hazardous material and be offered for transportation in commerce.

A copy of the PHMSA letter can be found [here](#).