

# Residue/Intermediate Bulk Containers: U.S. Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Empty Packagings



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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in a May 30th interpretive letter a question regarding the application of the federal Hazardous Materials Regulations (“HMR”) to “Empty Packagings.”

PHMSA was responding to a February 18th letter from the Zee Company (“Zee”) of Cleveland, Georgia.

Zee informed PHMSA that it hauls truckloads of 55 gallon drums and intermediate bulk containers (“IBCs”) containing the residue of UN 1760, Corrosive liquids, n.o.s., Class 8, PGIII. The company further stated that the packagings are being transported in its enclosed van trailers from one company location to another at which point they would be reconditioned for future use.

Zee first asked whether a shipping paper is required to transport 55 gallon drums containing only the residue of the material.

PHMSA responds in the negative, stating:

Section 173.29(c)(2) states that a non-bulk packaging containing only the residue (see definition of residue in § 171.8) of a hazardous material covered by Table 2 of § 172.504 that is not material poisonous-by-inhalation or its residue shipped under subsidiary placarding provisions in § 172.505 is not subject to the shipping paper requirements when collected and transported by a contract or private carrier for reconditioning, remanufacture, or reuse. If your company uses its own vehicles, you are considered a private carrier and shipping papers are not required.

Zee also asks whether a shipping paper is required to transport 275 and 330 gallon IBCs containing the same residue. It also asks whether the vehicles transporting the IBCs would require placards.

PHMSA states that the answer to both questions is yes.

The reason for this statement is the agency’s reference to Section 173.29(a) which states that:

... in general, an empty packaging containing only the residue of a hazardous material shall be offered for transportation and transported in the same manner as when it previously contained a greater quantity of that hazardous material.

PHMSA further notes:

There is an exception to placarding requirements in § 173.29(c)(1) which states that non-bulk packagings that contain only the residue of a Table 2 material from § 172.504 that is also not a material poisonous-by-inhalation or its residue shipped under the subsidiary placarding provisions of § 172.505 do not have to be included in determining the placarding requirements of Subpart F of Part 172. Because 275 and 330 gallon IBCs are bulk packagings, they are not excepted from placarding under § 173.29. Further, the shipping paper exception provided for in answer A 1 applies to non-bulk packagings and not bulk packagings.

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