



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Recycled Plastics Policy/Hazardous Materials Regulations: Pipeline and Hazardous Materials Safety Administration Request for Information

04/24/2023

The Pipeline and Hazardous Materials Safety Administration (“PHMSA”) published in the April 14th Federal Register a Request for Information:

1. Soliciting information pertaining to how the potential use of recycled plastic resins in the manufacturing of specification packaging may affect hazardous materials transportation safety;
2. How to ensure transparency of its current policy pertaining to the use of recycled plastics in the manufacturing of specification packaging;
3. Seeks input on its policy on how to better inform potential regulatory changes; and
4. Gather information for the evaluation of future approval requests and to better inform decisions pertaining to potential regulatory revision and other related work.

See 88 Fed. Reg. 23140.

PHMSA is responsible for implementing and enforcing the federal Hazardous Materials Regulations pursuant to the federal Hazardous Materials Transportation Act.

The April 15th Request for Information states that PHMSA is aware that an increasing number of countries are interested in expanding the use of recycled plastics in plastic packagings manufactured for hazardous materials. Plastic packagings are noted to perform an integral role in ensuring that hazardous materials are transported safely and securely. Increasing use of recycled plastics in packaging is cited as a potential avenue to reduce climate pollution and the effects of PFAS.

The Request for Information notes that PHMSA’s current policy on recycled plastics requires approval from the Associate Administrator for Hazardous Materials Safety or a special permit to use recycled plastics in certain packagings to transport hazardous materials. See 49 CFR 107.105 and 107.705.

Ten approvals are stated to have been issued since 1997 permitting manufacturers of plastic packagings to use recycled plastic resins. Strict controls are stated to have been required to ensure the quality of the packaging.

The Request for Information includes nine questions for which PHMSA is requesting comment to assist in its evaluation of future approval requests and to better inform it related to research and development (along with potential regulatory revisions).

A copy of the Federal Register Notice can be downloaded [here](#).