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Hazardous Materials Regulation Final Rulemaking: Pipeline and Hazardous Materials Safety Administration Adoption of Amendments Addressing Harmonization with International Standards

04/18/2024

The United States Pipeline and Hazardous Materials Administration (“PHMSA”) published in the April 10th Federal Register final rules amending the Hazardous Materials Regulations (“HMR”). See 89 Fed. Reg. 25434.

PHMSA states that the final rule is intended to:

. . . maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

PHMSA is also withdrawing the unpublished November 28, 2022, Notice of Enforcement Policy Regarding International Standards on the Use of Select Updated International Standards in Complying with the HMR During the Pendency of this Rulemaking.

The HMR are found at 49 CFR Parts 171-180.

The American Coatings Association which has been tracking the rulemaking states that the key modifications include:

- Removal of the phaseout date from the transport provisions for polymerizing substances to allow for continuing use of the provisions for these Division 4.1 (flammable solid) entries.
- Addition of a new entry to the HMT for “UM3550 Cobalt dihydroxide powder, containing not less than 10 percent respirable particles” and its corresponding packaging provisions.
- Amendments to the HMT to add, revise, or remove certain proper shipping names, hazardous classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo-only aircraft maximum quantity limits.

The American Coatings Association also notes that the PHMSA indicates the final rule:

- Is expected to maintain the HMR’s high safety standard for the public and environment.

- Anticipates additional safety benefits to be derived from improved compliance related to consistency among domestic and international regulations.

The final rule also addresses 21 sets of comments that it received in response to the Notice of Proposed Rulemaking that was published in May 2023. See 88 Fed. Reg. 34568.

Key sections of the final rule address:

- Incorporation by Reference (incorporating by reference updated versions of specified International Hazardous Materials Regulations and Standards as specified)
- Hazardous Materials Table
- Polymerizing Substances
- Cobalt Dioxide Powder containing not less than 10 percent respirable particles.
- Lithium Battery Exceptions

A copy of the final rule can be downloaded [here](#).