

Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Letter Addressing Packaging Residue



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

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in a January 7th Interpretive Letter a question regarding the Hazardous Materials Regulation’s (“HMR”) applicability to residue on the exterior of a package. See Reference No. 24-0109.

PHMSA was responding to a request from Shintech Louisiana of Addis, Louisiana (“Shintech”).

Shintech described a scenario in which:

...during the loading or unloading of a product, some of the corrosive hazardous material (sodium hydroxide) spills onto the exterior of a tank car, specifically that the product drips onto its exterior surface.

Shintech states that before transportation begins, the tank car is cleaned and treated to neutralize the spilled sodium hydroxide. However, the process is stated to leave the paint on the tank car etched and dissolved – i.e., it leaves a stain. The company further states that it is impracticable to repaint the exterior of the tank car after every loading/unloading.

The question posed is whether the discoloration (i.e., the stain) resulting from the cleaning and neutralization of the hazardous material is a “residue” that would be in violation of the general requirements for packages, as specified in § 173.24(b).

PHMSA answers in the negative. It states that the term residue specifically refers to a hazardous material, further noting:

... Although defined in § 171.8 as contents inside the package, in the context of § 173.24(b)(1)-(4), residue means a hazardous material adhering to the outside of a package from spillage from either the package itself or in association with loading or unloading the package.

PHMSA states that discoloration (i.e., staining) is not considered residue for purposes of § 173.24(b)(1)-(4). This is caveated by the statement that:

...any remnants of the cleanup and neutralization of the spillage on the exterior of the tank car does not meet any HMR criteria for a hazardous material and the tank car otherwise conforms to all other applicable requirements under the HMR, the tank car may continue to be used in transportation.

A copy of the Interpretive Letter can be downloaded [here](#).

