Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Intermediate Bulk Containers

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The Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a July 15th Interpretive Letter the application of the Hazardous Materials Regulations ("HMR") to intermediate bulk containers ("IBCs"). See Reference No. 24-0120.

PHMSA was responding to a December 6, 2024, letter from the Kansas Agribusiness Retailers Association ("KARA").

KARA stated that one of its members applied for and then received a special permit that allows unloading of liquid hazardous materials from an IBC without removing it from the vehicle. Further, the permit (DOT-SP 12412) is stated to be used to conduct delivery operations of agricultural hazardous materials to field application equipment.

KARA asked for clarification of certain questions associated with the use of IBCs and DOT-SP 12412, including:

- Should an IBC no longer meeting a specification standard be considered a non-specification portable tank for transportation of low-hazard liquid hazardous material in accordance with § 173.241?
- PHMSA responds in the affirmative, stating that If an IBC has not been maintained according to specification requirements of the HMR, it may generally be considered a non-specification bulk packaging provided the specification marking has been removed, destroyed, or covered. Further, PHMSA states that it may be considered a non-DOT specification portable tank for the purpose of transporting hazardous materials in packing group II or III. As a result, the Interpretive Letter states that non-specification IBCs can be considered a non-DOT specification portable tank used to transport moderate to low hazard liquid material, provided they are suitable for the transportation of liquid hazardous materials.
- Should a non-DOT specification portable tank that is suitable for transporting liquid hazardous materials be removed from a vehicle before discharging its contents (i.e., unloading)?
- PHMSA responds in the affirmative, stating that in accordance with § 177.834(h), for other than a cargo tank or intermodal (IM) portable tank, the contents of a container must not be discharged until after the container is removed from the motor vehicle.

- Should hoses used to unload content from a non-DOT specification portable tank be disconnected and drained prior to transport?
- PHMSA responds in the affirmative, stating that a hose for loading and unloading a non-DOT specification portable tank is not intended to contain hazardous material during transportation. Instead, it serves to connect the authorized transport packaging to a discharging or receiving container. The Interpretive Letter does recognize that while e it is impractical to eliminate all traces of hazardous material residue from these hoses while vehicles are in transit to deliver product, the residue must be removed as much as possible, unless explicitly excepted in the HMR or through a special permit.
- KARA notes that DOT-SP 12412 applies to UN specification IBCs and DOT specification 57 portable tanks and does not extend to a non-DOT specification portable tank. Is a special permit required to discharge (unload) low hazard materials from a non-DOT specification portable tank without first removing the tank from a vehicle?
- PHMSA responds in the affirmative, stating that because DOT-SP 12412 does not extend to a non-DOT specification tank, a person would need to apply for a special permit to unload a non-DOT specification portable tank without first removing it from the vehicle in accordance with § 177.834(h). See § 107.105 for special permit application requirements.
- KARA asked whether its members can maintain a running master shipping paper for a truck making multiple field deliveries, rather than requiring the carrier to update the shipping document after each delivery; and whether total quantity may be indicated in a similar manner provided for bulk packagings in § 172.202(a)(5)?
- PHMSA responds in the affirmative, stating that in accordance with §§ 172.201(e) and 177.817(f)—a person is permitted to use and maintain a single (permanent) shipping paper for multiple shipments of hazardous materials that have the same shipping name and identification number without creating a separate copy for each shipment. When using a permanent shipping paper for multiple shipments, there must be a record of each stop that reflects the shipping name, identification number, quantity transported, and date of shipment after each unloading of hazardous material (see § 177.817(f)). Regarding the quantity transported, where a bulk packaging is used, nothing in either §§ 172.201(e) or 177.817(f) prohibits the packaging types from being used to indicate the quantity transported consistent with the allowance found in § 172.202(a)(5)—i.e., the number of portable tanks. Please note that if a motor carrier picks up additional quantities of hazardous materials not previously indicated on the shipping paper, the additional quantities must be reflected if the total quantity on the vehicle at any time exceeds the quantity transported as indicated on the shipping paper.

A copy of the Interpretive Letter can be downloaded here.