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## **REGULATORY BULLETIN**

### **PHMSA Issues Final Rule Harmonizing Regulations with UN Recommendations and International Codes**

U.S. DOT (PHMSA) has finalized its rulemaking “HM 215M” which brings U.S. hazmat regulations into line with revised UN Recommendations, as well as with the current international codes for air and maritime shipping. The rulemaking was published January 8, 2015

Compliance with the new provisions is required by January 1, 2016. However, packagings in domestic transportation and marked before 2015 are allowed to remain as marked for their remaining service lives.

When the rule was proposed in August 2014, RIPA filed comments touching on several provisions.

#### Definitions.

With RIPA’s stated support, PHMSA has added to the DEFINITIONS section the entry “*Large Salvage Packaging*” (171.8). There already exist definitions for “*Large Packaging*” and “*Salvage Packaging*”. The new entry is created to conform with new UN language and, thus, helps minimize any potential for confusion or mischaracterization. (Note: Not eligible for air transport.)

With RIPA’s stated support, PHMSA removed volumetric limits (liters, gallons) on *non-bulk boxes and bags*, while still restricting them to net mass limits of 400 kg and 50 kg, respectively (171.8). In modern commerce, there are certain high-volume, low-mass materials (e.g., airbags) that can be safely transported in packagings exceeding 450 liters (119 gallons). Without this adjustment to the U.S. definitions, U.S. manufacturers and shippers could be at a disadvantage. PHMSA agreed with RIPA that the net mass limitations would remain applicable.

#### Packaging and Exceptions

With RIPA’s stated support, PHMSA deleted the option to mark a salvage drum as “SALVAGE DRUM”, and instead recognize only the marking “SALVAGE” (173.3). For

domestic transport, a durably marked salvage packaging marked on or prior to December 31, 2014 may continue in service until the end of its useful life. For non-domestic transport, the cutoff date is December 31, 2016.

With RIPA's stated support, PHMSA also issued marking, testing, and usage requirements for the aforementioned "*Large Salvage Packaging*" (173.3). These requirement includes a Packing Group II rating, leakproofness testing at 30 kPa (4 psi), marking with the proper shipping name of the material carried, and providing cushioning and absorbent material. Also, RIPA agreed that the overpack requirements should be waived for these packagings.

### Markings

RIPA supported PHMSA in requiring that "OVERPACK" markings be at least 12mm (0.5 inches) high, with built in transition periods (173.25). Also, RIPA supported PHMSA in clarifying the dimensions of the *stacking / no stacking* marks on IBCs (178.703(b)(7)). RIPA also suggested that this marking requirement be made expressly applicable to IBCs that are "routinely maintained" and not just those that are manufactured, remanufactured or repaired. The agency did not agree with RIPA regarding routinely maintained IBCs, saying that inclusion was not needed for harmonization with international standards.

Note: The built-in transition period allows IBCs marked on or before December 31, 2014 to serve out their useful service lives, as marked, in domestic transportation. For non-domestic transportation, the deadline is December 31, 2016.

### Discarded Packagings

RIPA supported PHSA's decision to not include in the U.S. regulations a new proper shipping name and UN number for "*Packaging discarded, empty, uncleaned, UN 3509*". Although adopted into the UN Model Regulations, this provision only operates in Europe where emptied packaging is classified as waste material. "U.S. rules governing the transportation of emptied packaging already fully accommodate the safe movement of such items," RIPA said in its comments.

Members with any questions or concerns about these new regulatory provisions should contact the RIPA office.