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## SPECIAL BULLETIN 2021 - 19

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### DOT PUBLISHES PROPOSED RULEMAKING TO ALIGN WITH INTERNATIONAL REQUIREMENTS

DOT recently published a notice of proposed rulemaking (HM-215P) that would revise the Hazardous Materials Regulations (HMR) to align with recent changes to international rules and recommendations.

The NPRM has several provisions affecting non-bulk and intermediate bulk packagings that would impact members of the association. The proposed revisions would:

- (i) Clarify that required markings on the inner receptacle of composite IBCs (e.g., 31HA1/M1234/02 21/USA) must be visible while inside the outer receptacle or, if not visible, be duplicated on the outer receptacle together with an indication that the marking applies to the inner receptacle.
- (ii) Revise the IBC stacking symbol provisions to mandate that if the symbol indicates the IBC may be stacked, the symbol must include the "...maximum permitted stacking load."
- (iii) Require the application of protective coatings or treatments to aluminum drums as well as metal drums other than steel or aluminum (including closures and fittings) if the uncoated drum is not compatible with its contents. This provision mirrors similar requirements already in place for steel drums.
- (iv) Eliminate minimum wall thickness requirements for metal IBCs with capacities of 1,500 liters (396 gallons) or less.

RIPA has some concerns about the newly proposed provisions and will be seeking input from members of the IBC Product Group as soon as initial draft comments have been prepared. Final comments must be submitted to DOT by October 12, 2021.

Regarding the proposed IBC inner receptacle marking provision (See (i) above), RIPA understands there are several styles of IBCs with solid outer casings (e.g. metal jackets) that do obscure the inner receptacle marks, and that it would be nearly impossible for an inspector observe the inner receptacle marks without destroying the outer casing. However, since the

marks on the inner receptacle are not safety-related, it may not be necessary for the IBC producer to repeat the full inner marking on the outer casing.

The proposed amendment to the IBC stacking symbol requirement would mandate that the symbol indicating that the IBC may be stacked must include the “...maximum permitted stacking load.” (Emphasis added.) RIPA has always advised its members to apply a stacking symbol with a modest (250 kg) stacking weight limit, simply to ensure that the returned IBC can be stacked. Companies wishing to allow the stacking of repaired or remanufactured IBCs are always free to apply the higher stacking numbers used by the manufacturers (e.g. 1,550 kg). The new rule would prohibit the lower stack weight symbol used by many reconditioners. DOT gives no reason disallowing use of a lower stacking weight.

RIPA believes that the aluminum and other metal drum coating requirement simply mirrors language used by the Agency for years in the steel drum requirement provisions.

DOT has proposed eliminating the minimum thickness requirements for metal IBCs with capacities of 1,500 liters or less. This action would conform to a decision taken by the UN during its most recent session. The Agency has asked a series of questions about the proposed action, which suggests that it is not yet convinced that eliminating minimum wall thickness for metal IBCs is a safe or responsible action.

A copy of the rulemaking can be found [here](#). Anyone interested in assisting RIPA as it develops formal comments is welcome to do so.