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## **SPECIAL BULLETIN 2023 - 3**

**July 6, 2023**

### **U.S. DOT Announces Advance Notice of Proposed Rulemaking (ANPRM)**

#### **Agency Considering Transport of Empty IBCs Without Vehicle Placards and Possible Changes to the Frequency of Periodic Testing of UN Packagings; Use of Sample Units in Multiple Tests**

On July 5, 2023, U.S. DOT published an Advance Notice of Proposed Rulemaking (ANPRM) entitled ***“Hazardous Materials: Modernizing Regulations to Improve Safety and Efficiency”***.

Three key programs under consideration for modernization include:

- Placarding of vehicles transporting “residue IBCs”.
- The frequency of perioding packaging tests to maintain UN certification.
- The possible reuse of sample packagings in more than one of the qualification tests.

In the case of empty IBC placarding, the agency is responding to two “petitions for rulemaking” filed by RIPA in 2017 and 2020. RIPA also submitted comments on periodic testing in 2017, calling for up to a 5-year testing interval to align with international norms and reflect the fact that manufacturing practices, including quality assurance programs, have improved significantly since the testing rules were implemented nearly 30 years ago. Several other trade groups, including IPANA, filed similar comments to the agency.

For each of the major topics, DOT provides a detailed set of questions seeking information on how the revisions should apply and what costs would be incurred or avoided, all while maintaining or improving the current level of safety. Here are some examples:

#### Residue IBCs

What cost savings would be achieved by shippers and carriers of residue IBCs if this was adopted as proposed by RIPA? Please explain your calculations including the amount of labor required and the rate of compensation for that labor.

How would offerors of “empty” IBCs determine that they meet the 0.3 percent residue requirement before offering?

#### Testing Interval

Can a packaging manufacturer, remanufacturer or a UN Third-Party Test Lab demonstrate through data, modeling, or other means, that a packaging design that is tested every 60 months performs as well as a design tested every 12 to 24 months? Explain.

Would packaging manufacturers (and remanufacturers) be willing to submit packagings to UN Third-Party Test Labs for testing, in lieu of self-certification, in order to have a longer interval between periodic qualifications? Why or why not?

*Reuse of a Test Packaging for Multiple Tests*

How many package designs would benefit from the option to re-use a test sample for another test ( *i.e.*, use a sample package from the drop test for the stack test)? How many fewer test samples would be required for each design so tested?

RIPA is beginning discussions with its Officers, Board Members and Product Group Chairs and Co-Chairs on how best to respond to the ANPRM. Individuals within the membership who are interested in participating in this response effort are encouraged to contact Paul Rankin or C.L. Petti as soon as possible. Comments are due October 3, 2023.

A pdf version of the DOT notice is [HERE](#).

The most relevant sections for RIPA members are Section B *Periodic Retest Extension*, Section C *Use of Non-Bulk Package Test Samples in Multiple Tests*, and Section E *Residue IBC Exceptions*.

Note: DOT reports that it is still working concurrently to issue a Special Permit that would provide the placarding exception for “residue IBCs” on an interim basis. The rulemaking described in this Bulletin typically takes significantly more time to finalize. RIPA will report on the Special Permit as developments occur.

