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PHMSA PROVIDES TEMPORARY RELIEF FROM PACKAGING RE-TESTING REQUIREMENTS

DOT's Pipeline and Hazardous Materials Safety Administration has provided temporary relief from periodic design type retesting requirements to manufacturers of certain packagings, including non-bulk and intermediate bulk containers. Most UN-type packaging designs must be re-tested annually.

The "notice of enforcement discretion" was issued earlier today and takes effect immediately. A copy of the notice can be found [here](#).

PHMSA initially excluded "remanufactured" packagings from the notice but following a discussion with RIPA staff they have agreed that since "remanufactured" packagings are regulated in the same manner as new packagings under 49 CFR part 178, they are included within the scope of this notice. PHMSA will inform field staff of this revised interpretation.

PHMSA states it will "not take enforcement action" against companies that continue to manufacture UN-type packagings that are beyond their required retest date by 90-days or less. The notice applies to the following packaging types that are tested and marked to PG II and PG III levels. The relief does not apply to PG I packagings.

- Non-bulk packagings (e.g. steel, plastic and fiber drums, jerricans, etc.)
- Intermediate bulk containers (e.g, composite, all-metal, roto-molded)
- Large packagings
- Flexible IBCs

Importantly, manufacturers that elect to take advantage of this relief must "...document the reasons why compliance is not possible prior to manufacturing packagings which are not more than 90 days beyond the required periodic retesting date."

In other words, companies that produce new packagings but have not completed the normally required annual design type retesting must prepare a written statement for the file indicating

why the required re-test was not performed. This document need not be lengthy, but it should include a statement noting that the company's design type retest program has been negatively affected by the COVID-19 pandemic. This document should be filed along with a copy of the attached PHMSA notice.

NOTE: Reconditioned packagings are not subject to periodic retest requirements.

RIPA members who have questions about this matter should contact the office.