

## **SPECIAL BULLETIN 2020 – 28**

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### **DOT Rules That Not All Surface Coating Must be Removed from Reconditioned Steel Drums**

The U.S. Department of Transportation has issued a final rule (HM-219C) that provides reconditioners needed flexibility when removing paint and other coating materials from steel drums during the reconditioning process. The new rule requires reconditioners to remove enough coating material to “...expose any metal deterioration that adversely affects transportation safety.”

According to RIPA president Paul Rankin, “This final rule acknowledges RIPA’s position that small amounts of coating material occasionally remains on steel drums after blasting or brushing, but this fact alone does not present a safety concern.” The important point, according to Rankin, is that reconditioners are expected to clean the exterior of a steel drum sufficiently to expose any potential safety concerns, including rust or obvious metal deterioration.

#### Background

In response to several enforcement actions taken by DOT against reconditioners whose drums had small bits and pieces of paint and glue remaining on them after processing. RIPA submitted a petition to the Agency asking that the rule be clarified. RIPA argued that DOT’s strict reading of the rule created a compliance standard that was literally impossible to meet, i.e. the total removal of coatings and labels (including their adhesive residues) down to the microscopic level.

PHMSA initially responded to RIPA by proposing to allow tightly adhering paint, mill scale, and rust to remain on no more than 10 percent of the surface area of a drum being reconditioned. While expressing appreciation to the Agency for attempting to revise the rule, RIPA argued that it is technically impossible to meet a requirement that entails the removal of 90 percent of “tightly adhering paint...” from the entire surface area of every steel drum and that the limit of 10 percent surface area for exterior coatings was arbitrary and would be difficult to enforce.

#### Final Rule

In the final rule, PHMSA agreed with RIPA that “...a specific numeric threshold for sufficient removal of coatings and labels to expose deterioration is impracticable....” Therefore, PHMSA has revised §173.28(c)(1)(i) to read (new language underlined),

(c) *Reconditioning of non-bulk packaging.* (1) For the purpose of this subchapter, reconditioning of metal drums is:

(i) Cleaning to base material of construction, with all former contents, internal and external corrosion removed, and any external coatings and labels sufficiently removed to expose any metal deterioration that adversely affects transportation safety.

(ii) Restoring to original shape and contour, with chimes (if any) straightened and sealed, and all non-integral gaskets replaced: and

(iii) Inspecting after cleaning but before painting, packagings that have visible pitting, significant reduction in material thickness, metal fatigue, damaged threads or closures, or other significant defects, must be rejected.