



August 9, 2016

Mr. William Schoonover
Acting Associate Administrator for Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration (PHMSA)
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Re: Docket No. PHMSA–2015–0102 (HM–219A); Hazardous Materials: Miscellaneous Petitions for Rulemaking (RRR); Amendment of §178.703(b)(6)(i) in response to RIBCA Petition P-1662.

Dear Mr. Schoonover:

This comment letter is submitted on behalf of the Rigid Intermediate Bulk Container Association (RIBCA). RIBCA is an organization of manufacturers of Intermediate Bulk Containers. RIBCA submitted Petition 1622 which is one of the petitions addressed in PHMSA's HM-219A NPRM issued on June 30, 2016.

RIBCA appreciates PHMSA's consideration of our petition. In our petition, consistent with an amendment introduced in the 19th edition of the UN Model Regulations, RIBCA requested that PHMSA acknowledge that the marked date of manufacture on an inner receptacle of a composite IBC could differ from the marked date of manufacture or repair of the completed IBC in which the inner receptacle was installed. We agree with findings on our petition that are provided in the preamble to HM-219A where PHMSA states:

“PHMSA found that allowing the inner receptacle and the composite IBC to have different date markings will have no effect on the safety of the use and manufacture of IBCs. Integrating the proposed language into the current HMR will also bring rules governing markings of IBCs more in line with current international standards.”

While a portion of the proposed change to §178.703(b)(6)(i) is responsive to our petition, our concern is that the proposed text includes an added phrase requiring that the dates of periodic testing and inspections be based on the earlier of the two dates (i.e., the date marked on the inner receptacle and the date of manufacture/repair included in the UN marking of the completed IBC). The specific added phrase we refer to is as follows:

“provided that the retest and inspection of the IBCs be based on the earliest marked date;”

RIBCA recommends that this added phrase be deleted for the following reasons:

- **It is unnecessary from a safety perspective.** While the date on the inner receptacle will normally be the earlier of the two dates, an inner receptacle cannot be used without first being installed as part of a completed IBC. Inner receptacles are kept in storage until they are installed in an IBC. It follows that inner receptacles are not subject to detrimental effects from the time of their manufacture to the time they are installed in completed IBCs. Only the time the IBC is in use is significant. Consequently, there is no safety benefit in taking the date of manufacture of the inner receptacle into account for purposes of specifying dates for periodic tests and inspections;
- **It is contrary to other provisions in the HMR.** For composite IBCs, required periodic tests and inspections and the frequency with which they must be carried out are provided in §180.352. In that section, test and inspection dates are based on the date of manufacture (i.e., the date included in the UN marking of each IBC) or repair of the IBC and the date marked on the inner receptacle is not considered (see §§180.352(b)(1) and (b)(2)). The proposed phrase in §178.703(b)(6)(i) appears to introduce an unwarranted inconsistency in the regulations;
- **It is more restrictive than the corresponding international requirements.** Consistent with current HMR requirements, under the UN Model Regulations, the required dates of tests and inspections are also based on the date of manufacture/repair (i.e., the date the IBC is placed in service or repaired (see, for example, 6.5.4.4.1(a) of the UN Model Regulations)). PHMSA’s added phrase, contrary to PHMSA’s stated preamble objective of bringing “rules governing markings of IBCs more in line with current international standards,” introduces a new element of disharmony; and
- **It introduces additional complexity to establishing test and inspection dates.** The existing provisions for tests and inspections are related only to the date of manufacture/repair marked on each completed IBC. Introducing an additional date makes defining the required dates for tests and inspections more complicated. Users of IBCs would need to locate and compare two dates instead of one. A clear safety basis for introducing this additional complicating factor affecting every composite IBC is lacking.

In conclusion, RIBCA, on the basis of the above observations recommends deletion of the phrase:

“provided that the retest and inspection of the IBCs be based on the earliest marked date;”

from the proposed amendment to §178.703(b)(6)(i).

We appreciate your consideration of our comment. Should you have any questions concerning what we have provided, please contact me at 410-544-0385.

Sincerely,

A handwritten signature in dark ink, reading "Susan Nauman". The signature is fluid and cursive, with the first name "Susan" and last name "Nauman" clearly distinguishable.

Executive Director
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