



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JAN - 9 2001

Mr. John F. Dinda, Jr.
Regulatory Compliance Associate
Dinda & Associates Incorporated
525 Shady Retreat Road
Doylestown, PA 18901

Ref. No. 00-0262

Dear Mr. Dinda:

This responds to your letter regarding the leakproofness testing requirement for an intermediate bulk container (IBC) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire whether an IBC intended to contain liquids that are not discharged under pressure must be leakproofness tested under the periodic retest requirements specified in § 180.352(b)(1). You state that it is your understanding the leakproofness test is required only when the IBC is used for liquids that are loaded or discharged under pressure.

Your understanding of this provision is not correct. Section 180.352(b)(1) states that performance of the leakproofness test is required for each IBC intended to contain solids that are loaded or discharged under pressure and for each IBC intended to contain liquids regardless of the method of discharge. We will consider clarifying this provision in a future rulemaking.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



000262

180.352



Stevens
→ 178.813
→ 180.352(b)(1)
Leakproofness test
00-0262

September 18, 2000

Research and Special Programs Administration
Office of Hazardous Materials Standards (DHM-10)
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

Reference: §180.352(b)(1), 49 CFR

Gentlemen:

Section 180.352(b)(1) states, "Each IBC intended to contain liquids or solids that are loaded or discharged under pressure must be tested in accordance with the leakproofness test prescribed in §178.813 of ...," and is clearly intended for the retest of IBC.

The wording used at §178.801(c)(5) states. "*Production testing* is the performance of the leakproofness test in accordance with paragraph (f) of this section on each intermediate bulk container intended to contain solids discharged by pressure or intended to contain liquids."

I understand §180.352(b)(1) to mean liquids loaded or discharged under pressure or solids loaded or discharged under pressure. If my understanding is correct, then the effect is that leakproofness testing is not required for IBCs every 2.5 years when the IBC is to contain liquids **not loaded or discharged under pressure**.

The regulations as written would appear to require leakproofness testing for an IBC upon production and then exempting that IBC from leakproofness testing when reused if the contents is liquids not loaded or discharged under pressure.

Please clarify the requirements for leakproofness testing of IBCs refilled with liquids not loaded or discharged under pressure.

I can be reached at (215) 230-9236 at any time.

Sincerely yours,

John F. Dinda, Jr.
Regulatory Compliance Associate