

## § 178.1

## 49 CFR Ch. I (10–1–02 Edition)

- 178.705 Standards for metal IBCs.
- 178.706 Standards for rigid plastic IBCs.
- 178.707 Standards for composite IBCs.
- 178.708 Standards for fiberboard IBCs.
- 178.709 Standards for wooden IBCs.
- 178.710 Standards for flexible intermediate bulk containers.

### Subpart O—Testing of IBCs

- 178.800 Purpose and scope.
- 178.801 General requirements.
- 178.802 Preparation of fiberboard IBCs for testing.
- 178.803 Testing and certification of IBCs.
- 178.810 Drop test.
- 178.811 Bottom lift test.
- 178.812 Top lift test.
- 178.813 Leakproofness test.
- 178.814 Hydrostatic pressure test.
- 178.815 Stacking test.
- 178.816 Topple test.
- 178.817 Righting test.
- 178.818 Tear test.
- 178.819 Vibration test.

#### APPENDIX A TO PART 178—SPECIFICATIONS FOR STEEL

#### APPENDIX B TO PART 178—ALTERNATIVE LEAKPROOFNESS TEST METHODS

#### APPENDIX C TO PART 178—NOMINAL AND MINIMUM THICKNESSES OF STEEL DRUMS AND JERRICANS

AUTHORITY: 49 U.S.C. 5101–5127; 49 CFR 1.53.

### § 178.1 Purpose and scope.

This part prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in commerce.

[Amdt. 178–40, 42 FR 2689, Jan. 13, 1977. Redesignated by Amdt. 178–97, 55 FR 52715, Dec. 21, 1990]

### § 178.2 Applicability and responsibility.

(a) *Applicability.* (1) The requirements of this part apply to packagings manufactured—

- (i) To a DOT specification, regardless of country of manufacture; or
- (ii) To a UN standard, for packagings manufactured within the United States. For UN standard packagings manufactured outside the United States, see §173.24(d)(2) of this subchapter. For UN standard packagings for which standards are not prescribed in this part, see §178.3(b).

(2) A manufacturer of a packaging subject to the requirements of this part is primarily responsible for compliance

with the requirements of this part. However, any person who performs a function prescribed in this part shall perform that function in accordance with this part.

(b) *Specification markings.* When this part requires that a packaging be marked with a DOT specification or UN standard marking, marking of the packaging with the appropriate DOT or UN markings is the certification that—

(1) Except as otherwise provided in this section, all requirements of the DOT specification or UN standard, including performance tests, are met; and

(2) All functions performed by, or on behalf of, the person whose name or symbol appears as part of the marking conform to requirements specified in this part.

(c) *Notification.* Except as specifically provided in §§178.337–18 and 178.345–10 of this part, the manufacturer or other person certifying compliance with the requirements of this part, and each subsequent distributor of that packaging shall—

(1) Notify in writing each person to whom that packaging is transferred—

(i) Of all requirements in this part not met at the time of transfer, and

(ii) Of the type and dimensions of any closures, including gaskets, needed to satisfy performance test requirements.

(2) Retain copies of each written notification for at least one year from date of issuance; and

(3) Make copies of all written notifications available for inspection by a representative of the Department.

(d) Except as provided in paragraph (c) of this section, a packaging not conforming to the applicable specifications or standards in this part may not be marked to indicate such conformance.

(e) *Definitions.* For the purpose of this part—

*Manufacturer* means the person whose name and address or symbol appears as part of the specification markings required by this part or, for a packaging marked with the symbol of an approval agency, the person on whose behalf the approval agency certifies the packaging.

*Specification markings* mean the packaging identification markings required

by this part including, where applicable, the name and address or symbol of the packaging manufacturer or approval agency.

(f) No packaging may be manufactured or marked to a packaging specification that was in effect on September 30, 1991, and that was removed from this part 178 by a rule published in the FEDERAL REGISTER on December 21, 1990 and effective October 1, 1991.

[Amdt. 178-97, 55 FR 52715, Dec. 21, 1990; 56 FR 66284, Dec. 20, 1991, as amended by Amdt. No. 178-106, 59 FR 67519, Dec. 29, 1994; Amdt. 178-117, 62 FR 14338, Mar. 26, 1997]

### § 178.3 Marking of packagings.

(a) Each packaging represented as manufactured to a DOT specification or a UN standard must be marked on a non-removable component of the packaging with specification markings conforming to the applicable specification, and with the following:

(1) In an unobstructed area, with letters, and numerals identifying the standards or specification (e.g. UN 1A1, DOT 4B240ET, etc.).

(2) Unless otherwise specified in this part, with the name and address or symbol of the packaging manufacturer or, where specifically authorized, the symbol of the approval agency certifying compliance with a UN standard. Symbols, if used, must be registered with the Associate Administrator. Duplicative symbols are not authorized.

(3) The markings must be stamped, embossed, burned, printed or otherwise marked on the packaging to provide adequate accessibility, permanency, contrast, and legibility so as to be readily apparent and understood.

(4) Unless otherwise specified, letters and numerals must be at least 12.0 mm (0.47 inches) in height except that for packagings of less than or equal to 30 L (7.9 gallons) capacity for liquids or 30 kg (66 pounds) capacity for solids the height must be at least 6.0 mm (0.2 inches). For packagings having a capacity of 5 L (1 gallon) or 5 kg (11 pounds) or less, letters and numerals must be of an appropriate size.

(5) For packages with a gross mass of more than 30 kg (66 pounds), the markings or a duplicate thereof must appear on the top or on a side of the packaging.

(b) A UN standard packaging for which the UN standard is set forth in this part may be marked with the United Nations symbol and other specification markings only if it fully conforms to the requirements of this part. A UN standard packaging for which the UN standard is not set forth in this part may be marked with the United Nations symbol and other specification markings for that standard as provided in the ICAO Technical Instructions or the IMDG Code subject to the following conditions:

(1) The U.S. manufacturer must establish that the packaging conforms to the applicable provisions of the ICAO Technical Instructions or the IMDG Code, respectively.

(2) If an indication of the name of the manufacturer or other identification of the packaging as specified by the competent authority is required, the name and address or symbol of the manufacturer or the approval agency certifying compliance with the UN standard must be entered. Symbols, if used, must be registered with the Associate Administrator.

(3) The letters "USA" must be used to indicate the State authorizing the allocation of the specification marks if the packaging is manufactured in the United States.

(c) Where a packaging conforms to more than one UN standard or DOT specification, the packaging may bear more than one marking, provided the packaging meets all the requirements of each standard or specification. Where more than one marking appears on a packaging, each marking must appear in its entirety.

(d) No person may mark or otherwise certify a packaging or container as meeting the requirements of a manufacturing exemption unless that person is the holder of or a party to that exemption, an agent of the holder or party for the purpose of marking or certification, or a third party tester.

[Amdt. 178-97, 55 FR 52716, Dec. 21, 1990; 56 FR 66284, Dec. 20, 1991, as amended by Amdt. No. 178-106, 59 FR 67519, Dec. 29, 1994; Amdt. 178-113, 61 FR 21102, May 9, 1996; 65 FR 50462, Aug. 18, 2000; 66 FR 45386, Aug. 28, 2001; 67 FR 61015, Sept. 27, 2002]

**Subpart A [Reserved]**