

## **Alert 15-02: Clarifying PHMSA's Return Shipping Exception for Steel Drums**

When steel drums are emptied after use, a residue of the lading may remain in the drum. After emptying the contents, steel drums typically are returned for recycling, remanufacturing or reconditioning. Questions often arise concerning the transport requirements of such drums under the Code of Federal Regulations (CFR) since a small amount or residue of the product may remain in the drum. The Pipeline and Hazardous Materials Safety Administration (PHMSA) defines a residue in CFR Title 49 as "the hazardous material remaining in a packaging, including a tank car, after its contents have been unloaded to the maximum extent practical and before the packaging is either refilled or cleaned of the hazardous material and purged to remove any hazardous vapors."

PHMSA regulates the transport of such empty containers when they are returned after emptying. In accordance with the federal Hazardous Materials Regulations, defined in CFR Title 49 Parts 100-185, a person who offers a hazardous material, including a residue, for transportation is responsible for performing the functions of the supplier of the original material. Responsibilities include properly classifying, describing, packaging, marking, labeling and preparing shipping papers for the return of the packaging. Since most empty packaging contains a residue of a hazardous material, this means empty containers must be transported in the same manner as when they held a greater quantity of the material.

Fortunately, PHMSA provides an exception for certain packaging types, including steel drums, in CFR Title 49 §173.29(c). In accordance with this paragraph, a non-bulk packaging containing only the residue of a hazardous material covered by Table 2 of CFR Title 49 §172.504 are exempt from the shipping paper and placarding requirement when collected and transported by a contract or private carrier for reconditioning, remanufacturing or reuse. Some of these substances include flammable liquids, combustible liquids, corrosive liquids, and Class 9 materials. However, this exception does not apply to materials considered poisonous by inhalation or with residue shipped under the subsidiary placarding requirements of Subpart F.

As opposed to larger containers over 119 gallons, steel drums having a capacity of 55 gallons and less are covered by this exception due to the fact that they fall within the definition of "non-bulk" packaging. The definition of non-bulk packaging is found in CFR Title 49 §171.8 as follows:

*Non-bulk packaging means a packaging which has:*

- (1) A maximum capacity of 450 liters (119 gallons) or less as a receptacle for a liquid;*
- (2) A maximum net mass of 440 kilograms (882 pounds) or less and a maximum capacity of 450 liters (119 gallons) or less as a receptacle for a solid; or*
- (3) A water capacity of 454 kilograms (1000 pounds) or less as a receptacle for a gas as defined in §173.115 of this subchapter.*

This exception allows for the safe transport and return of steel drums containing the residue of a hazardous material.

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