

Alert 14-01: Regulatory Advisory – Closure/Assembly Issues for Pre-torqued, Cap-sealed Drums

Some customers are requesting, as a purchase order requirement, that drum manufacturer members of the Industrial Steel Drum Institute (ISDI) deliver new steel drums with the fitting in the ¾-inch closure on the packaging pre-torqued in conformance with the manufacturer's closure/assembly instructions. Cap-sealing this opening after closure also may be requested.

It has come to light that in some instances when the customer purchasing the packaging requested that the smaller opening be pre-closed and cap-sealed, those involved in fill operations may only be closing the 2-inch top opening on the drum in conformance with provided closure/assembly instructions. Reportedly, Pipeline and Hazardous Materials Safety Administration (PHMSA) field staff (enforcement personnel) observing operations have cited fillers for NOT complying with the drum manufacturer's closure/assembly instructions by assuring that BOTH the 2-inch and ¾-inch fittings are closed as directed.

§173.22 – Shipper's Responsibility in Title 49 of the Code of Federal Regulations (CFR) states, in part, in Section (a)(4):

For a DOT [Department of Transportation] Specification or UN [United Nations] standard packaging subject to the Requirements of part 178 of this subchapter, a person must perform *all functions necessary* to bring the package into compliance with parts 173 and 178 of this subchapter, as identified by the packaging manufacturer or subsequent distributor (for example, applying closures consistent with the manufacturer's closure instructions) in accordance with Section 178.2 of this subchapter. *[emphasis added]*

Purchasers and fillers of steel drums are required to comply with the provisions of the CFR cited above whether or not they request that the manufacturer close, pre-torque and cap-seal the ¾-inch opening, or any other opening, on a new steel drum prior to filling. PHMSA has noted that the fitting in the pre-closed opening could back off in transit and, therefore, the filler is obligated to ensure that both the 2-inch and ¾-inch closures are secure in conformance with the packaging manufacturer's instructions prior to transportation.

Issued 01/14

The information above is intended to provide interpretative and authoritative information as a service to our members and has been offered in good faith based on the information provided to us. We do not guarantee the accuracy or completeness of any such interpretation or information.

