



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

NOTICE OF ENFORCEMENT DISCRETION REGARDING PACKAGING TAPE

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) is providing notice that it will exercise regulatory enforcement discretion for any person who affixes tape of a different type than what was originally tested for a packaging test report to a package provided the packaging meets all requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) except that the tape may be different.

PHMSA understands that members of the regulated community may have difficulty securing necessary quantities of packing tape types needed to meet non-bulk packaging certifications due to intermittent supply chain challenges.

Therefore, PHMSA will exercise regulatory enforcement discretion for an individual who, due to the supply chain shortages identified above, affixes to a packaging of hazardous materials a non-specified adhesive tape closure on United Nations (UN) Performance Oriented Packagings, provided the non-specified adhesive tape is (1) the same material as the tape in the original packaging test report; (2) is capable of demonstrating no diminished capabilities in yield strength, thickness, ductility, width, length, or adhesive properties; and (3) is compatible with the packaging. All other characteristics of the packaging materials must be the same as what was used for the originally tested packaging (see § 178.601(c)(4) for the definition of different packaging), or other variations as authorized by the HMR. Any deviation used to close and secure the packaging should be documented with instructions on how to close the packaging with the alternative tape. This information must include any procedures to be followed, including closure instructions for inner packagings and receptacles to effectively assemble and close the packaging for the purpose of preventing leakage in transportation.

The requirements for non-bulk packaging periodic retesting remain in effect. Additionally, PHMSA expects that during the relief provided by this notice, persons utilizing this relief will work with packaging manufacturers to ensure performance testing of additional options as appropriate, with a focus on those package designs nearing their next requalification.

This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a temporary safeguard from Departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to

bind the regulated entities in any way.

This notice of enforcement discretion is effective through August 31, 2022.

Issued May 2, 2022, in Washington D.C.

William S. Schoonover
Associate Administrator
for Hazardous Materials Safety