



November 15, 2019

Mr. William Schoonover
Associate Administrator for
Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Petition for Rulemaking P-1720; Docket No. PHMSA-2018-0083: Application of
the “USA” Mark

Dear Mr. Schoonover,

The Industrial Packaging Alliance of North America, IPANA, IPANA is writing this letter to provide comments on Petition P-1720 as submitted by Hazmat Safety Consulting, LLC. As the organization representing the industrial packaging industry in North America, for reasons provided below, IPANA is opposed to the regulatory change sought in P-1720.

Currently, under the DOT hazardous materials regulations, the “USA” mark is restricted to packagings manufactured in the U.S. The application of the “USA” mark has been restricted in this manner since the issuance of HM-181 implementing UN performance packagings in 1990. We understand the intent of this restriction was to ensure that PHMSA (or its predecessor RSPA) could ensure enforcement oversight over the manufacture of “USA” marked packagings and to ensure a high degree of confidence, by governments and users, in the integrity of packages with a UN marking that includes “USA.” IPANA is unaware of any changes that support reconsideration of this rationale.

Additionally, IPANA is concerned that the change proposed would competitively disadvantage U.S. manufacturers of “USA” marked UN packagings in comparison to manufacturers outside the U.S. Manufacturers in the U.S. are subject to intense scrutiny by the PHMSA enforcement staff and single packagings are subject to annual periodic retesting. Given its limited resources, we doubt PHMSA would be able to provide the same degree of oversight in the case of foreign manufactured packagings. Manufacturers in the US operate under high quality standards based on the overall drive for safety by manufacturers and their customers. This may not be the case for packagings manufactured outside the U.S where the safety culture may be different. Oversight and the demands for the quality of packages made in the U.S. have associated costs

that the manufacturer of packages outside the U.S. may not bear. In the long term, without extending the same degree of oversight and demands for safety to packagings made outside the US, the degree of confidence held for packagings with the “USA” mark could erode. This could present worldwide adverse impacts for US manufacturers and shippers using “USA” marked packagings.

IPANA suggests another marking alternative to P-1720. Nothing would prohibit the manufacturer from adding additional information at the end or underneath of the specified marking string authorized by a foreign government where the UN marking includes that country’s code. Even though the manufacturer outside the U.S. obtains a USA 3rd party lab certification, the manufacturer could include a mark such as follows after the required string:

Tested in the USA, Lab Report by +XX1234 (the third party identification)

IPANA is unaware of any significant benefit for the change proposed in P-1720 that would offset DOT concerns that were the basis for the current restriction to limit the “USA” mark to packagings manufactured in the US.

Thank you for your consideration.

Sincerely,



Susan Nauman

Excusive Director

Industrial Packaging Alliance of North America