



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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOTICE OF ENFORCEMENT POLICY REGARDING INTERNATIONAL STANDARDS

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) understands that many offerors and carriers of hazardous materials in international transport will soon be adhering to requirements in the internationally-adopted 2023-2024 International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) and Amendment 41-22 of the International Maritime Organization, International Maritime Dangerous Goods Code (IMDG Code). The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) currently authorize offerors and carriers to use the 2021-2022 Edition of the ICAO Technical Instructions and Amendment 40-20 of the IMDG Code.

PHMSA gives notice that while we: (1) continue to evaluate whether to propose the inclusion of the 2023-2024 Edition of the ICAO Technical Instructions and Amendment 41-22 of the IMDG Code in a future notice of proposed rulemaking (NPRM); and (2) potentially adopt these updated standards in a future final rule, we will not take enforcement action against any offeror or carrier who is using these standards when all or part of the transportation is by air with respect to the ICAO Technical Instructions, or all or part of the transportation is by vessel with respect to the IMDG Code. In addition, PHMSA will not take enforcement action against any offeror or carrier who offers or accepts for domestic or international transportation by any mode packages marked or labeled in accordance with these standards. PHMSA also gives notice that it will not take enforcement action against shippers and carriers that transport polymerizing substances in accordance with the provisions of §§173.21(f) and 173.124(a)(4), and Special Provisions 387 and 421, that are in effect on December 31, 2022. Those provisions are set to expire on January 2, 2023, and PHMSA intends to consider in the NPRM and subsequent final rule what amendments to these provisions may be appropriate.

However, this notice of enforcement policy does not apply to the use of United Nations (UN) fiber-reinforced plastic (FRP) portable tanks in accordance with Amendment 41-22 of the IMDG Code for transport of hazardous material in the United States. PHMSA will review and consider whether this use of UN FRP portable tanks is appropriate for the HMR in the NPRM and subsequent final rule.

This notice of enforcement policy has been coordinated with our modal partners, including the Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railroad

Administration, and the United States Coast Guard. PHMSA and our four modal partners will exercise the policy together.

This notice is limited to the use of the standards incorporated by reference in 49 CFR 171.7(t) and (v). Offerors and carriers must comply with all other obligations under the HMR and other applicable laws. This notice will remain in effect until withdrawn or otherwise modified.

Issued November 28, 2022, in Washington D.C.



William S. Schoonover
Associate Administrator
for Hazardous Materials Safety

This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a 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.