



**institute of makers of explosives**

*The safety and security institute of the commercial explosives industry since 1913*

## **COMPLIANCE SUMMARY**

### **Requirement to Pass the UN 6(d) Expanded to 4 Additional Explosive 1.4S Entries (Issued September 29, 2020)**

On May 11, 2020, the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation published Final Rule HM-2150 implementing provisions to harmonize its Hazardous Materials Regulations (49 CFR parts 171 to 180) with various international standards. This final rule included expansion of the requirement to pass the UN 6(d) Unconfined Package Test to four additional Explosive 1.4S entries:

- UN0349 Articles, explosives, n.o.s.
- UN0367 Fuzes, detonating
- UN0384 Components, explosive train, n.o.s.
- UN0481 Substances, explosive, n.o.s.

Not later than May 10, 2021, PHMSA approvals of products under these UN entries must:

- Be updated by PHMSA to indicate compliance with the 6(d) requirement (such an update will be issued upon submission of appropriate, successful 6(d) test data to PHMSA), or
- Be up-classed to something other than 1.4S (for example, 1.4D or 1.4B), or
- Terminated.

A copy of the HM-2150 final rule can be downloaded from here:

<https://www.ime.org/uploads/public/PHMSA/HM-2150/85FR27810-HM-2150.pdf>

To address these three options and based on a discussion between IME and PHMSA in September 2020, the following guidance is provided:

**Compliance dates:** 5/11/2020 (mandatory), 1/1/2019 (voluntary), 5/10/2021 (delayed compliance). Affected approvals that have not been updated, up-classed, or voluntarily terminated by 5/10/2021 will be terminated by PHMSA.

**What to expect:** Most affected EX holders will receive a letter with instructions from PHMSA by October 16, 2020. Holders with more than 30 approvals will also be provided an Excel® spread sheet listing EX numbers involved.

**Failure to act:** PHMSA plans to publish a “Show Cause” notice in the Federal Register in early 2021. That notice will list those EX numbers still outstanding and advise PHMSA’s intent to terminate.

**Actions required for UN 0349, UN 0367, UN 0384, and/or UN 0481:**

Approval Status	Action Required	Process
<ul style="list-style-type: none"> <li>EX issued</li> <li>6(d) passed</li> <li>6(d) note<sup>1</sup> on EX letter</li> </ul>	None	
<ul style="list-style-type: none"> <li>EX issued</li> <li>6(d) passed</li> <li>6(d) note <u>not</u> on EX letter</li> </ul>	Submit a modification request	Submit request to PHMSA: <ul style="list-style-type: none"> <li>Provide a copy of EX letter to be updated</li> <li>Provide a copy of lab report</li> <li>Request addition of 6(d) note</li> </ul>
<ul style="list-style-type: none"> <li>EX issued</li> <li>6(d) not performed</li> <li>1.4S desired</li> </ul>	Test product and submit a modification request	Obtain testing by <a href="#">PHMSA-approved lab</a> <sup>2</sup> or foreign competent authority and submit request to PHMSA: <ul style="list-style-type: none"> <li>Provide a copy of EX letter to be updated</li> <li>Provide a copy of lab report</li> <li>Request addition of 6(d) note</li> </ul>
<ul style="list-style-type: none"> <li>EX issued</li> <li>6(d) not performed</li> <li>1.4S not desired</li> <li>Approval still needed</li> </ul>	Submit an up-class request	Submit up-class request to PHMSA providing: <ul style="list-style-type: none"> <li>Copy of EX letter to be up-classed</li> <li>UN number</li> <li>Proper shipping name</li> <li>Division and compatibility group</li> </ul>
<ul style="list-style-type: none"> <li>EX issued</li> <li>Product obsolete and</li> <li>Approval no longer needed</li> </ul>	Voluntarily terminate	Submit termination request to PHMSA providing: <ul style="list-style-type: none"> <li>Copy of EX letter to be terminated</li> <li>Reason for termination</li> </ul>
<ul style="list-style-type: none"> <li>New products</li> </ul>	Test product and submit approval application	Obtain testing by PHMSA-approved lab or foreign competent authority and submit request to PHMSA: <ul style="list-style-type: none"> <li>Provide a copy of lab report</li> <li>Request addition of 6(d) note</li> </ul>

Modification, up-class, and termination requests should be submitted as soon as possible and no later than April 10, 2021. All requests must be in compliance with [49 CFR 107.709](#). Submit requests using PHMSA’s Online Application process (preferred) or by email:

- Online Applications: <https://portal.phmsa.dot.gov/PHMSAPortal2/>
- Email: [approvals@dot.gov](mailto:approvals@dot.gov)

Guidance for requesting approvals is provided in the brochure, “How to Request an Approval at: <https://www.phmsa.dot.gov/hazmat/general-approvals/how-request-approval-brochure>

**Questions?** Email PHMSA at [explo@dot.gov](mailto:explo@dot.gov). So that emails will be directed efficiently and appropriately, please put “UN 6(d) Test” in the subject line.

<sup>1</sup> 6(d) note = “This classification meets UN 6(d) criteria.”

<sup>2</sup> See <https://www.phmsa.dot.gov/hazmat/energetic-materials-approvals/explosive-test-labs>