



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

APR 26 2005

400 Seventh Street, S.W.  
Washington, D.C. 20590

Mr. William Stevens  
Sr. Hazardous Materials Enforcement Specialist  
Office of Hazardous Materials Enforcement (PHH-46)  
233 Peachtree Street, NE, Suite 602  
Atlanta, GA 30303

Ref. No. 05-0103

Dear Mr. Stevens:

This is in response to your April 21, 2005 letter concerning the UN specification packaging marking requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. May a manufacturer use the unregistered symbol "US" as its symbol on 2P and 2Q packagings to satisfy the requirements in §§ 178.33-9(a)(2) and 178.33-9a(a)(2)?
- A1. The answer is no. The manufacturer must use its complete name and address or a registered symbol. The manufacturer may request a symbol (i.e., an "M" number) from DOT; however, it may not register "US" as a symbol. The M number is marked on the packaging in lieu of the manufacturer's name and address. "US" or "US Can" may then be marked on the packaging after the M number, if desired. Requests for a symbol may be submitted to the Office of Hazardous Materials Exemptions and Approvals, PHH-30, Attention: Linda Cooper, Pipeline and Hazardous Materials Safety Administration, 400 7th Street, S.W., Washington, DC 20590-0001 or telefax 202-366-3753.
- Q2. May a manufacturer use "invisible ink" (i.e., ink that is only visible when viewed under an ultraviolet light) to apply specification markings?
- A2. No. Specification markings required under the HMR must be visible without the use of specialized equipment.

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



U.S. Department  
of Transportation

Office of Hazardous Materials Enforcement  
Southern Region  
233 Peachtree St., NW Ste 602  
Atlanta, GA 30303

Pipeline and Hazardous Materials  
Safety Administration

Memo for Record:

Date: April 21, 2005

To: Ms. Hattie Mitchell  
Chief, Regulatory Review

From: Mr. William Stevens  
Sr. Hazardous Materials Enforcement Specialist

RE: **Manufacturer Symbol Marking**

Ms. Mitchell,

I am requesting interpretation on the use of US Can's manufacturing "symbol" which has, according to them, always been used by them to mark their cans. In this case, they are DOT 2P & 2Q cans. US Can also requests interpretation of the same.

I wrote US Can for not having an approved "symbol" for their "US" marking on 2P & 2Q cans. They mark them with "US" only, near the DOT 2P/2Q marking, not so near the DOT marks, or not even at all. They also mark cans with "US5" to represent the plant in Tallapoosa, GA, but this mark is on an unpainted can and is usually covered up by the customer applying his print screen. They have used the "US" forever, according to them. According to Approvals, the "US" is neither an approved original logo nor does it meet the "name" requirement, which also must include the address, city & state.

In their talking with Approvals, they also found out that no aerosol can mfg has an approval for their respective logo.

They also feel their marking on the can, prior to an ink jet print sleeve, placed with visible ink only by use of a black light is ok. Stating traceability of product.

Is it your interpretation that the "US" is not an approved symbol and thus they should either get it registered or get an M (Manufacturer's) number. Also, that the new approved symbol or number be placed along or near the required DOT 2P/2Q marking.

Thanks

William Stevens

Sr. Hazardous Materials Enforcement Specialist  
Southern Region

Pollack  
§178.3(a)(1)  
Marking of Packages  
05-0103

**Drakeford, Carolyn <PHMSA>**

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**From:** Gorsky, Susan <PHMSA>  
**Sent:** Thursday, April 21, 2005 2:44 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Cc:** Mitchell, Hattie <PHMSA>  
**Subject:** FW: US Can Logo Registration

Carolyn,

Please assign the attached request for interpretation for a response. Thanks so much.

Susan

-----Original Message-----

**From:** Stevens, William <PHMSA>  
**Sent:** Thursday, April 21, 2005 1:41 PM  
**To:** Mitchell, Hattie <PHMSA>  
**Cc:** Heneghan, John <PHMSA>; Gorsky, Susan <PHMSA>  
**Subject:** RE: US Can Logo Registration



InterpLtr.pdf (45  
KB)

Hattie, my official request on the clarification you gave. I'm putting this into my report on US Can.  
Thank you

-----Original Message-----

**From:** Mitchell, Hattie <PHMSA>  
**Sent:** Wednesday, April 20, 2005 1:21 PM  
**To:** Stevens, William <PHMSA>  
**Cc:** Heneghan, John <PHMSA>; Gorsky, Susan <PHMSA>  
**Subject:** RE: US Can Logo Registration

No, the United States Can Company's markings do not conform to the HMR. It is the intent of the HMR that the manufacturer's symbol be marked in an unobstructed area as stated in Section 178.3(a) (1) for the specification marking. In any case, 178.3(a)(3) provides for the required markings on a packaging be marked in a manner to provide "adequate accessibility, permanency, contrast, and legibility so as to be readily apparent and understood." Markings that are made using invisible ink or that are covered with a label do not comply with the HMR requirements.

In speaking with Jim Jones (Office of HazMat Approvals and Exemptions), he believes the last actual manufacturer "symbol" in the form of a graphic or letters was issued in about 1980. Since then "M-numbers" have been used. Thus, it appears the US Can Company's never registered their "symbol" with Approvals.

-----Original Message-----

**From:** Stevens, William <PHMSA>  
**Sent:** Tuesday, April 19, 2005 2:42 PM  
**To:** Mitchell, Hattie <PHMSA>  
**Cc:** Heneghan, John <PHMSA>  
**Subject:** RE: US Can Logo Registration

<< File: Hattie request.pdf >> This might make it easier.

-----Original Message-----

**From:** Stevens, William <PHMSA>  
**Sent:** Tuesday, April 19, 2005 2:33 PM

**To:** Mitchell, Hattie <PHMSA>  
**Cc:** Heneghan, John <PHMSA>  
**Subject:** US Can Logo Registration

Hattie,

I'm faxing you 3 pages of info I'd like you to look at and let me know your opinion. I think they want some clarification.

I wrote US Can for not having an approved symbol for their "US" marking on 2P & 2Q cans. They mark them with "US" only, near the DOT 2P/2Q marking, not so near the DOT marks, or not even at all. They have used US forever, according to them.

The US is neither an approved original logo nor does it meet the "name" requirement, which also must include the address, city & state.

In their talking with Approvals, they also found out that no aerosol can mfg has an approval for their respective logo.

They also feel their marking on the can, prior to an ink jet print sleeve, placed with visible ink only by use of a black light is ok, since it is an industry standard???????

Please provide clarification

Thanks,

William B. Stevens  
Sr. Hazardous Materials Enforcement Specialist  
PHMSA/OHME/Southern Region  
233 Peachtree St. NE, Suite 602 (DHM-46)  
Atlanta, GA 30303  
404-832-1141 Cell: 678-595-4759



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Sincerely,

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Chief, Regulatory Review and Reinvention  
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