



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 04 2014

Mr. Delmer Billings
Technical Director
Dangerous Goods Advisory Council
7501 Greenway Center Drive, Suite 760
Greenbelt, MD 20770

Reference No. 14-0166

Dear Mr. Billings:

This is in response to your August 28, 2014 email concerning the CLASS 9 miscellaneous hazard class warning label. Specifically, you ask whether a label with slightly wider black stripes is compliant with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You have provided an image of the label in question on the last page of your incoming attachment.

The answer is yes. Section 172.446 requires that the background on the CLASS 9 label must be white with seven black vertical stripes on the top half. The black vertical stripes must be spaced, so that, visually, they appear equal in width to the six white spaces between them. In the image of the label in question, the black stripes appear to be visually equal in width to the white spaces. Although measurement of the outermost black vertical stripes reveals they are slightly larger in width than the inner stripes, they are equal in space from a visual perspective and do not present a reduction in hazard communication.

In addition, as you note in your incoming request, a minor label variation of this type is authorized under the International Civil Aviation Organization Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO TI) in Note 2 of Part 5, Chapter 3.5.1. Note 2 provides that minor variations in the design of the symbol on labels or other differences such as the width of vertical lines on labels as shown in the ICAO TI Instructions or in regulations of other modes, which do not affect the obvious meaning of the label, are acceptable. Subpart C of Part 171, authorizes the use of the ICAO TI if any portion of the transportation is by aircraft.

I hope this satisfies your request.

Sincerely,

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

*Winer
172.407
Label Specification
14-0166*

From: Betts, Charles (PHMSA)
Sent: Thursday, August 28, 2014 10:16 AM
To: Goodall, Shante CTR (PHMSA); Dodd, Alice (PHMSA)
Subject: FW: Class 9 Label Question
Attachments: Class 9 Label Question.pdf

Shante –

Please log and assign the attached request for interpretation to a specialist for response. Please request expedited handling.

Thanks,
Charles

From: Delmer Billings [<mailto:DBillings@dgac.org>]
Sent: Tuesday, August 26, 2014 7:22 PM
To: Betts, Charles (PHMSA)
Subject: Fwd: Class 9 Label Question

Our members are still getting push - back on the label in question. FedEx is still saying they will not accept the label with the wide black tips as of October 1. Can we get a written interpretation to resolve this issue?

Thanks
Del

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

----- Original message -----

From: Delmer Billings
Date: 08/12/2014 8:40 AM (GMT-05:00)
To: charles.betts@dot.gov
Subject: Class 9 Label Question

Charles,

Attached is information relative to the Class 9 label we discussed yesterday. The label in question by Fed Ex is on the last page. I also included the requirements for the label from the HMR, ICAO and UN.

Your thoughts please. If possible, I would like to respond to the requester at our Quarterly meeting tomorrow.

Thanks,
Del

Del
Phone: 202/289-4550

please give me a call at 770-373-3356

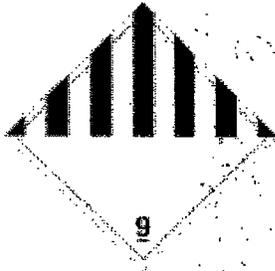
Both the ICAO regulations and 49 CFR allow use of the old version of the Class 9 when it has the horizontal line but 49 CFR does not allow for variations in the width of the stripes

Minor Variations

Minor variations in the design of the symbol on labels or other differences such as the width of vertical lines on labels as shown in these Regulations or in the regulations of other modes, which do not affect the obvious meaning of the label, are acceptable. For example, the hand shown on the class 8 label may be shown with or without shading, the extreme right and left vertical lines on the division 4.1 and class 9 labels may extend to the edge of the label or there may be some white space at the edge, etc.

§172.446 CLASS 9 label.

(a) Except for size and color, the "CLASS 9" (miscellaneous hazardous materials) label must be as follows:



[View or download PDF](#)

(b) In addition to complying with §172.407, the background on the CLASS 9 label must be white with seven black vertical stripes on the top half. The black vertical stripes must be spaced, so that, visually, they appear equal in width to the six white spaces between them. The lower half of the label must be white with the class number "9" underlined and centered at the bottom. The solid horizontal line dividing the lower and upper half of the label is optional.

(c) Labels conforming to requirements in place on August 18, 2011 may continue to be used until October 1, 2014.

CFR

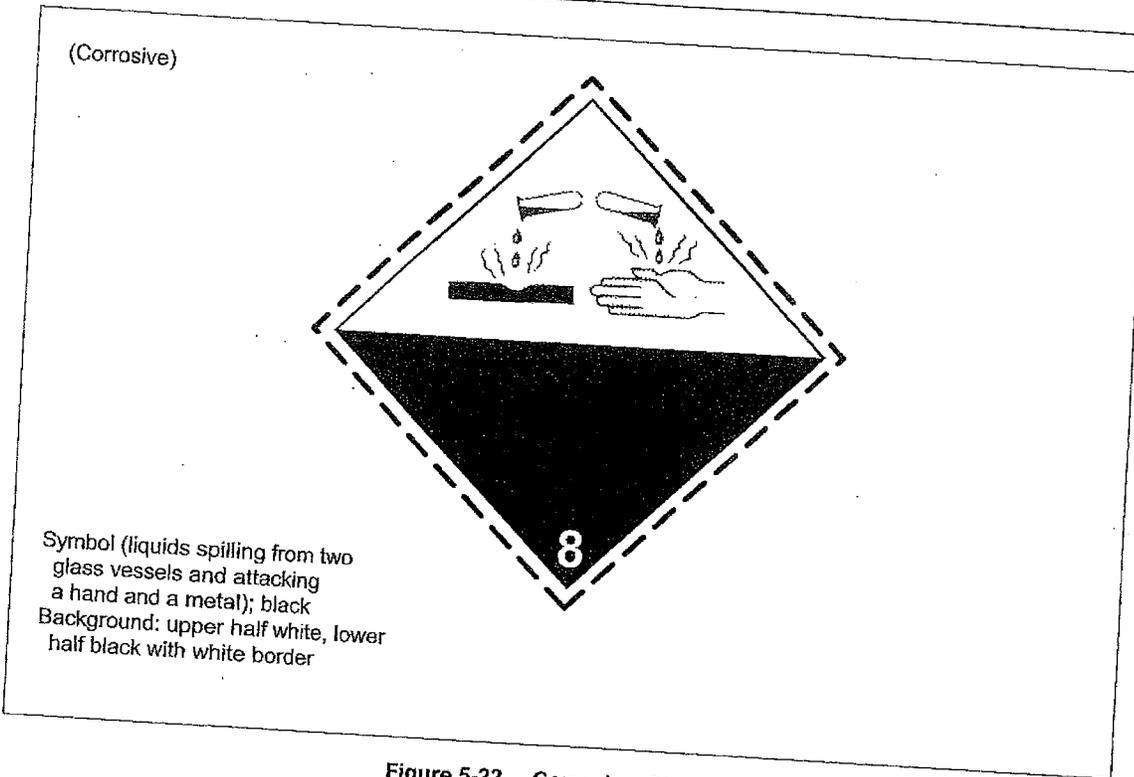


Figure 5-22. Corrosive, Class 8

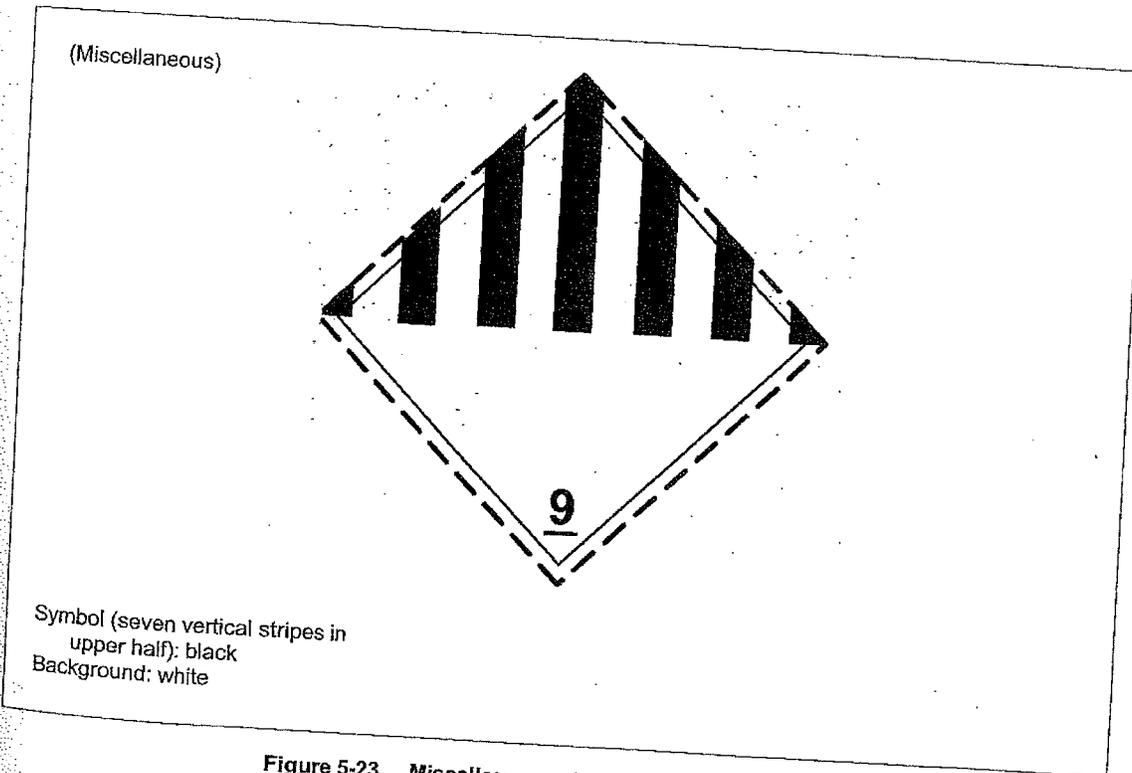


Figure 5-23. Miscellaneous dangerous goods, Class 9

ICAO

CLASS 7
Radioactive material



(No. 7A)
 Category I – White
 Symbol (trefoil): black;
 Background: white;
 Text (mandatory): black in lower half of label:
 'RADIOACTIVE'
 'CONTENTS'
 'ACTIVITY'
 One red bar shall
 follow the word 'RADIOACTIVE';
 Figure '7' in bottom corner

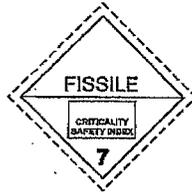


(No. 7B)
 Category II – Yellow
 Symbol (trefoil): black;
 Background: upper half yellow with white border, lower half white;
 Text (mandatory): black in lower half of label:
 'RADIOACTIVE'
 'CONTENTS'
 'ACTIVITY'
 In a black outlined box: 'TRANSPORT INDEX';
 Two red vertical bars shall
 follow the word
 'RADIOACTIVE';
 Figure '7' in bottom corner



(No. 7C)
 Category III – Yellow

Symbol (trefoil): black;
 Background: upper half yellow with white border, lower half white;
 Text (mandatory): black in lower half of label:
 'RADIOACTIVE'
 'CONTENTS'
 'ACTIVITY'
 In a black outlined box: 'TRANSPORT INDEX';
 Three red vertical bars shall
 follow the word
 'RADIOACTIVE';
 Figure '7' in bottom corner



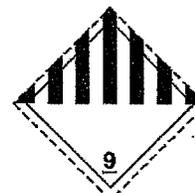
(No. 7E)
 Class 7 fissile material
 Background: white;
 Text (mandatory): black in upper half of label: 'FISSILE';
 In a black outlined box in the lower half of the label:
 'CRITICALITY SAFETY INDEX'
 Figure '7' in bottom corner

CLASS 8
Corrosive substances



(No. 8)
 Symbol (liquids, spilling from two glass vessels
 and attacking a hand and a metal): black;
 Background: upper half white;
 lower half black with white border;
 Figure '8' in bottom corner

CLASS 9
**Miscellaneous dangerous substances and articles,
 including environmentally hazardous substances**



(No. 9)
 Symbol (seven vertical stripes in upper half): black;
 Background: white;
 Figure '9' underlined in bottom corner

UN R115

A Shipper's Declaration is not required for Dry Ice - unless it is used as a refrigerant for Dangerous Goods that require a Shipper's Declaration

Dry Ice amount must Be in kilograms

Note: 2.2 lbs. = 1 kg.

When a Shipper's Declaration is not required, the following information should be contained in the "Nature and Quantity of Goods" box on the waybill: UN1845, Dry Ice, Number of packages, Net Quantity of Dry Ice



DRY ICE,

kg.

INMARK

UN1845



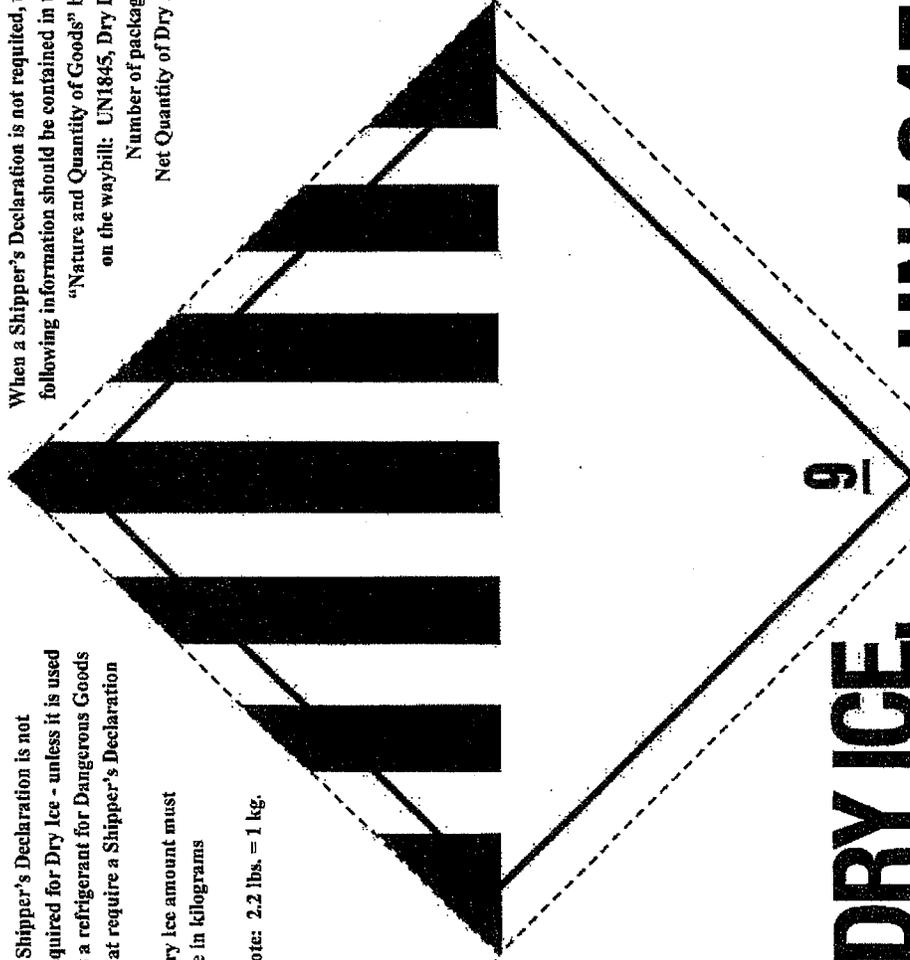
49258 Equal With

A Shipper's Declaration is not required for Dry Ice - unless it is used as a refrigerant for Dangerous Goods that require a Shipper's Declaration

Dry Ice amount must Be in kilograms

Note: 2.2 lbs. = 1 kg.

When a Shipper's Declaration is not required, the following information should be contained in the "Nature and Quantity of Goods" box on the waybill: UN1845, Dry Ice, Number of packages, Net Quantity of Dry Ice



DRY ICE,
kg.

UN1845

INMARK

12mm

12mm

Fed Ex - Not Acceptable