



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

APR 03 2012

Mr. Steven Powell
Director
Container-Quinn Testing Laboratories, Inc.
A Division of Holmes Testing, Inc.
170 Shepard Avenue
Wheeling, IL 60090

Ref. No. 12-0034

Dear Mr. Powell:

This responds to your January 26, 2012 request for written clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking of non-bulk performance-oriented packagings. Specifically, you ask whether the HMR may prevent you from registering your company's symbol (e.g., CQ) as an approved marking in lieu of an "M" number.

As stated in § 178.503(a)(8), symbols used in place of the manufacture's name and address must be registered with the Associate Administrator (AA) for Hazardous Materials Safety. All registered symbols must be approved under § 107.705. This section provides the AA the authority to require the use of a certain type of symbol for marking of non-bulk performance-oriented packagings. Currently, PHMSA's policy is to issue "M" numbers in order to provide consistency among symbols used and approved by approval agencies.

Sincerely,

A handwritten signature in black ink that reads "T. Glenn Foster". The signature is fluid and cursive.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Andrews
§ 178.503
Marking of Packagings
12-0034

From: Betts, Charles (PHMSA)
Sent: Thursday, January 26, 2012 12:56 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Lima, Anthony (PHMSA)
Subject: FW: Container Quinn Request for Clarification
Attachments: 20120116125047641.pdf; correspondence.12212008.Container Quinn.pdf

From: Steve Powell
Sent: Tuesday, January 17, 2012 9:00 AM
To: 'ryan.posten@dot.gov'
Cc: Steve Powell
Subject: Symbols in Certs

Good morning Mr. Posten

Regarding the use of CQ in my reports, I will not use the symbol in any further reports until I either get a resolve to this or receive my "M" number (which I have applied for). In the meantime I have been looking at the regs further. All the samples in 178.503 show different symbols in the 49CFR. See 178.503(d)(2)

(i) For a fiberboard box designed to contain an inner packaging:

4G/Y145/S/83
USA/RA
(as in §178.503 (a)(1) through (a)(9) of this subpart).

(ii) For a steel drum designed to contain liquids:

1A1/Y1.4/150/83
USA/VL824
1.0
(as in §178.503 (a)(1) through (a)(10) of this subpart).

(iii) For a steel drum to transport solids or inner packagings:

1A2/Y150/S/83
USA/VL825
(as in §178.503 (a)(1) through (a)(8) of this subpart).

RA in one and VL825 in the others.

I guess that now my concern is that I can't use a symbol but the regs say I can. Please provide guidance on this.

Finally, I feel that since I followed the letter of the 49CFR, I shouldn't penalize my clients for which I have already used the CQ symbol and that symbol should be allowed to remain for those customers until the certs are retested. At that time, as I should have my "M" number by then, I will change to use of the "M" number on them and all future reports.

Again, thank you for your assistance in this matter.

Have a great day

Stephen C. Powell
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Anthony Lima
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website: hazmat.dot.gov

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

From: Posten, Ryan (PHMSA)
Sent: Thursday, January 26, 2012 8:51 AM
To: Lima, Anthony (PHMSA)
Cc: Abbenhaus, Colleen (PHMSA); Schoonover, William (PHMSA)
Subject: FW: Notification Letter

Anthony - is this the letter you referenced this morning?

It may already be in the queue for response - by PHH-30?

I'm not sure - have to check with PHH-30 (which may have already)

Thanks

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

From: Steve Powell [<mailto:spowell@container-quinn.com>]
Sent: Monday, January 16, 2012 1:25 PM
To: Posten, Ryan (PHMSA)
Cc: Steve Powell
Subject: Notification Letter

Good morning Mr. Posten

I am sending this e-mail for the purpose of clarification of what I am doing.

Attached is the letter I have sent to Dr. El-Sibaie notifying PHMSA that I will heretofore be using the symbol CQ on my reports thus registering the CQ symbol. (I had also sent this

letter the end of 2010 but addressed only to the associate director). This is in accordance with:

49CFR, 178.3(b)(2), which states "If an indication of the name of the manufacturer or other identification of the packaging as specified by the competent authority is required, the name and address or symbol of the manufacturer or the approval agency certifying compliance with the UN standard must be entered. Symbols, if used, must be registered with the Associate Administrator."

Per 49CFR, 178.503(a)(8), which states "The name or address or symbol of the manufacturer or the approval agency certifying compliance with subpart L and subpart M of this part. Symbols, if used, must be registered with the Associate Administrator;"

In reading these two sections, I believe I have followed the letter of the 49CFR in registering the CQ symbol and thus should be allowed to begin using this symbol. I have received a phone call from Anthony Lima on Friday telling me that I am not allowed to use the CQ as I am misrepresenting Container-Quinn and that the only symbols allowed by DOT are "M"-numbers. But according to the above sections, any symbol can be used, as long as notification/registration is made.

Your assistance in this matter would be greatly appreciated. Thank you in advance for your assistance.

Stephen C. Powell
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