



Casey, C.
26-0036

Fwd: Request for Formal Letter of Interpretation regarding Overpack Marking Requirements under 49 CFR 173.25(a)(2)

1 message

INFOCNTR (PHMSA) <infocntr.infocntr@dot.gov>

Wed, Mar 25, 2026 at 1:09 PM

To: "Baker, Yul (PHMSA)" <yul.baker@dot.gov>, Hazmat Interps <hazmatinterps@dot.gov>

Good afternoon,

Please see the below interpretation request.

Let us know if you need anything,

Janaye

----- Forwarded message -----

From: **Anthony Castillo** <acastillo@rivian.com>

Date: Tue, Mar 24, 2026 at 9:57 PM

Subject: Request for Formal Letter of Interpretation regarding Overpack Marking Requirements under 49 CFR 173.25(a)(2)

To: <infocntr@dot.gov>

Cc: Philip Swartzter <pswartzter@rivian.com>

Rivian Automotive, LLC, [14600 Myford Rd, Irvine, CA 92606](#)

Subj: Request for Formal Letter of Interpretation regarding Overpack Marking Requirements under 49 CFR 173.25(a)(2)

Rivian Automotive, LLC is seeking a formal interpretation regarding the marking and labeling requirements for overpacks as defined in 49 CFR 173.25. Specifically, we seek clarification on whether "representative" markings and labels are considered "visible" when only the top layer of a palletized load is unobstructed.

Background and Configuration

Our facility receives palletized shipments of UN 3480, Lithium Ion Batteries, 9. These shipments arrive via ocean freight and are subsequently re-offered for domestic ground transportation in the same configuration.

The configuration consists of:

- 32 individual packages secured and banded to a pallet with clear shrink-wrap.
- The packages are stacked in 8 layers (4 packages per layer).
- Each individual package is fully marked and labeled on its top surface.
- Packages stacked above obstruct the markings and labels on the bottom seven layers.
- The completed pallets are shipped as "do not stack" units. Each pallet is equipped with highly visible conical "Do Not Stack" indicators (pallet cones) secured to the top to ensure the upper surface remains unobstructed throughout transportation.

- The required markings/labels of at least one package on the top layer are visible through the clear shrink-wrap and are not obscured by other freight.
- Although the securing bands may slightly overlap the packages, they do not hinder the immediate identification of the UN number, proper shipping name and hazard class.

The assembled pallet is shown in the attached pictures, including both top and side perspectives.

Current Practice

Because we seek to confirm whether the visibility of at least one package on the top layer satisfies the "representative" requirement of 49 CFR 173.25(a)(2), we currently perform additional marking as a precaution. Prior to re-offering these shipments for domestic ground transportation, we replicate the internal hazardous materials markings (Proper Shipping Name, UN Number, and Class 9 Label) and apply them, along with the "OVERPACK" mark, to one vertical side of the shrink-wrapped pallet.

Request for Clarification

Under 49 CFR 173.25(a)(2), an overpack must be marked with the proper shipping name, identification number, and required labels *"unless marking and labels representative of each hazardous material in the overpack are visible."*

Given that the overpack contains a single commodity (UN 3480) and that the top-layer marking/labels are maintained, we request guidance on the following:

1. Does the visibility of the required markings and labels on the top layer of the pallet satisfy the "representative" visibility requirement of 49 CFR 173.25(a)(2)?
2. If the top-layer markings are deemed "visible" and "representative" under 49 CFR 173.25(a)(2), is the application of the "OVERPACK" mark still required per 49 CFR 173.25(a)(4)?

While we recognize that external overpack labeling on the side of the pallet offers additional clarity, we believe this streamlined approach is a compliant and efficient procedure for these standardized shipments on fixed routes. We are seeking this clarification to align our operations with the HMR and avoid redundant marking requirements.

Thank you for your time and consideration.

Kind regards,
Anthony "Tony" Castillo
Staff Inbound Project Manager, Dangerous Goods
acastillo@rivian.com
Mobile: 847-917-6289



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7 attachments



Top of Pallet view (to include cone).png
123K



Top of Pallet marking labeling.png
125K



Do not Stack - Cone.jpg
52K



Side 1.png
134K



Side 2.png
137K



Side 3.png
140K



Side 4.png
136K