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Fwd: COSTHA LOI Request - New, Unused Packagings Bearing a Preprinted Limited Quantity Mark

Nickels, Matthew <matthew.nickels@dot.gov>

Thu, Jun 25, 2026 at 5:30 PM

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

Please process and assign. Thank you!



Mr. Matthew B. Nickels

Acting Director, Standards & Rulemaking Division

Office of Hazardous Material Safety

Pipeline & Hazardous Materials Safety Administration

U.S. Department of Transportation

matthew.nickels@dot.gov

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

From: **Drew Watts** <drew@costha.com>

Date: Thu, Jun 25, 2026 at 5:20 PM

Subject: COSTHA LOI Request - New, Unused Packagings Bearing a Preprinted Limited Quantity Mark

To: Nickels, Matthew (PHMSA) <matthew.nickels@dot.gov>

Cc: infocntr@dot.gov <infocntr@dot.gov>

Hello again Matthew,

Attached, please find COSTHA's request for a letter of interpretation on new, unused packagings bearing a preprinted Limited Quantity Mark.

Please feel free to contact me if you should have any questions or need any additional information. Again, we appreciate your time and consideration.

Respectfully,
Drew Watts

★ **We've Moved!** Please update your records — click [here](#) for our new address and W-9.

Drew Watts

Regulatory Compliance Specialist

COSTHA

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COSTHA Petition - Marked New Unused Packaging.pdf
393K



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June 25, 2026

Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
Mr. Matthew Nickels
U.S. Department of Transportation
East Building, 1200 New Jersey Ave., SE
Washington, D.C. 20590-0001
Submitted: Via Email

Request for Interpretation – New, Unused Packagings Bearing a Preprinted Limited Quantity Mark

Dear Mr. Nickels,

On behalf of one of our members, COSTHA respectfully requests PHMSA's interpretation regarding the transportation of new, unused packagings bearing a preprinted Limited Quantity (LQ) mark. [§ 172.401\(d\)\(1\) - Prohibited Labeling](#) provides an exception from the prohibited labeling requirements for a packaging bearing a hazard class label when the packaging is unused. Specifically, § 172.401(d)(1) states that the provisions of § 172.401(a) do not apply to a packaging bearing a label if the packaging is:

"Unused or cleaned and purged of all residue."

However, [§ 172.303 - Prohibited Marking](#) does not appear to contain a similar exception for new, unused packagings bearing hazardous materials markings.

Background Information

Manufacturers routinely produce fiberboard boxes and other packagings that are preprinted with hazardous materials markings for use in the transportation of hazardous materials. One common example is a fiberboard box preprinted with the LQ mark that is contained in this document as Attachment 1 located below. Prior to being filled and used for hazardous materials transportation, these packagings may be transported from the packaging manufacturer to distributors, fulfillment centers, or other end users. During this transportation, the packagings are new, unused, and contain no hazardous materials.

A COSTHA member recently encountered a situation involving the acceptance of a bundle of new, unused fiberboard boxes that were preprinted with the LQ mark. The packagings contained no hazardous materials and were being transported solely for future use. During the course of transportation, questions arose regarding whether the presence of the LQ mark on the empty, unused packagings constituted a prohibited marking under § 172.303.

COSTHA understands the purpose of § 172.303 is to prevent confusion that could

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result from hazardous materials markings appearing on packagings that do not contain the material identified by the marking. However, COSTHA also recognizes that the HMR specifically provides relief in § 172.401(d)(1) for new, unused packagings bearing hazard labels and seeks clarification regarding PHMSA's interpretation of similar scenarios involving hazardous materials markings.

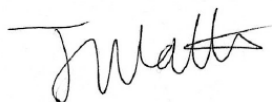
Interpretation Request

COSTHA respectfully requests PHMSA's interpretation of the following question:

- May a new, unused, unassembled packaging that bears a pre-printed Limited Quantity (LQ) marking be offered for transportation when it contains no hazardous material and is being shipped solely for future use?

COSTHA appreciates PHMSA's consideration of this interpretation and welcomes the opportunity to provide any additional information or clarification as needed.

Sincerely,



Drew Watts
Regulatory Compliance Specialist
COSTHA

Attachment 1: Unused Packaging Pre-Marked with LQ Mark



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