



Fwd: Interpretation CFR49 178.3 - Packaging marking

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

Fri, Jul 10, 2026 at 12:35 PM

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

Cc: "Kelley, Shane (PHMSA)" <shane.kelley@dot.gov>, "Webb, Steven (PHMSA)" <steven.webb@dot.gov>

No problem! Yul or Arthur, please process the attached PDF + below email. Thanks guys!



Mr. Matthew B. Nickels

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

From: **Kelley, Shane** <shane.kelley@dot.gov>

Date: Fri, Jul 10, 2026 at 8:01 AM

Subject: Fwd: Interpretation CFR49 178.3 - Packaging marking

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

Cc: Steven Webb (PHMSA) <steven.webb@dot.gov>

Gents

For your handling as an interp. We may provide informal email help in the interim but they'd like a letterhead response.

Shane

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From: **Hannes Demaré** <hannes.demare@mobilit.fgov.be>

Date: Fri, Jul 10, 2026 at 11:26 AM

Subject: Interpretation CFR49 178.3 - Packaging marking

To: michael.givens@faa.gov <michael.givens@faa.gov>, shane.kelley@dot.gov <shane.kelley@dot.gov>, Leary, Kevin (PHMSA) <kevin.leary@dot.gov>, Hillary Sadoff - US Coastguard <hillary.sadoff@uscg.mil>, Webb, Steven (PHMSA) <steven.webb@dot.gov>, aaron.wiener@dot.gov <aaron.wiener@dot.gov>

CC: Remko Dardenne <remko.dardenne@mobilit.fgov.be>, Ann Delmotte <ann.delmotte@ibebvi.com>

Dear US representatives to the UN Sub-Committee of Experts to the Transport of Dangerous Goods,

Hope you all had or will have safe travels back home. Timing was a bit unfortunate, since I only received the question today, a few days after being in the same room as you for several days. Not quite certain who would be the preferred contact for this, so I included all of you as recipients for this e-mail.

Short background:

A question has arisen concerning the interpretation of CFR49 paragraph 178.3.

A manufacturer which has already obtained an approval by one of our inspection bodies and is already producing in Europe has recently opened a site in the USA where they are producing the same packaging. Nevertheless, the

manufacturer is experiencing problems concerning the conformity of the marking.

I am not aware of all the details, so I have added our contact of the relevant inspection body in cc to this message so she can provide further information if necessary.

Interpretations:

Differing interpretations have arisen concerning the point b) of CFR49 178.3.

- Some read the first sentence of this point b) as saying that the original marking can be used, on the condition that the packagings conform to the requirements of CFR49. If this is not the case, then the second sentence is applicable, and the conditions listed underneath should be fulfilled.
- Others indicate that for production in the USA, USA should always be marked in the UN-marking. (hence invalidating the original marking for which the original certificate was delivered).

Further follow-up:

Could you provide clarity on this interpretation and clarify which other steps might need to be taken to be in conformity with CFR49 for further production of the packaging? Or can you specify who or which service to contact to obtain further information on this interpretation/issue?

Thanks in advance and have a good summer!

Met vriendelijke groeten/Cordialement/Hochachtungsvoll/Yours sincerely

Hannes Demaré

Attaché - Transport of Dangerous Goods Expert

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Disclaimer



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Title 49 —Transportation

Subtitle B —Other Regulations Relating to Transportation

Chapter I —Pipeline and Hazardous Materials Safety Administration, Department of Transportation

Subchapter C —Hazardous Materials Regulations

Part 178 —Specifications for Packagings

Source: 78 FR 1098, Jan. 7, 2013, unless otherwise noted.

Source: 78 FR 1097, Jan. 7, 2013, unless otherwise noted.

Source: 75 FR 5400, Feb. 2, 2010, unless otherwise noted.

Source: 75 FR 5397, Feb. 2, 2010, unless otherwise noted.

Source: Amdt. 178-97, 55 FR 52723, Dec. 21, 1990, unless otherwise noted.

Source: Amdt. 178-97, 55 FR 52717, Dec. 21, 1990, unless otherwise noted.

Source: 29 FR 18975, Dec. 29, 1964, unless otherwise noted. Redesignated at 32 FR 5606, Apr. 5, 1967.

Source: 29 FR 18972, Dec. 29, 1964, unless otherwise noted. Redesignated at 32 FR 5606, Apr. 5, 1967.

Source: 29 FR 18823, Dec. 29, 1964, unless otherwise noted. Redesignated at 32 FR 5606, Apr. 5, 1967.

Authority: 49 U.S.C. 5101-5128; 49 CFR 1.81 and 1.97.

§ 178.3 Marking of packagings.

- (a) Each packaging represented as manufactured to a DOT specification or a UN standard must be marked on a non-removable component of the packaging with specification markings conforming to the applicable specification, and with the following:
 - (1) In an unobstructed area, with letters, and numerals identifying the standards or specification (e.g. UN 1A1, DOT 4B240ET, etc.).
 - (2) Unless otherwise specified in this part, the name and address or symbol of the packaging manufacturer or the person certifying compliance with a UN standard. Symbols, if used, must be registered with the Associate Administrator. Unless authorized in writing by the holder of the symbol, symbols must represent either the packaging manufacturer or the approval agency responsible for providing the most recent certification for the packaging through design certification testing or periodic retesting, as applicable. Duplicative symbols are not authorized.
 - (3) The markings must be stamped, embossed, burned, printed or otherwise marked on the packaging to provide adequate accessibility, permanency, contrast, and legibility so as to be readily apparent and understood.
 - (4) Unless otherwise specified, letters and numerals must be at least 12.0 mm (0.47 inches) in height except for packagings of less than or equal to 30 L (7.9 gallons) capacity for liquids or 30 kg (66 pounds) maximum net mass for solids the height must be at least 6.0 mm (0.2 inches). For packagings having a capacity of 5 L (1.3 gallons) or less or of 5 kg (11 pounds) maximum net mass, letters and numerals must be of an appropriate size.
 - (5) For packages with a gross mass of more than 30 kg (66 pounds), the markings or a duplicate thereof must appear on the top or on a side of the packaging.

- (b) A UN standard packaging for which the UN standard is set forth in this part may be marked with the United Nations symbol and other specification markings only if it fully conforms to the requirements of this part. A UN standard packaging for which the UN standard is not set forth in this part may be marked with the United Nations symbol and other specification markings for that standard as provided in the ICAO Technical Instructions or the IMDG Code subject to the following conditions:
 - (1) The U.S. manufacturer must establish that the packaging conforms to the applicable provisions of the ICAO Technical Instructions (IBR, see § 171.7 of this subchapter) or the IMDG Code (IBR, see § 171.7 of this subchapter), respectively.
 - (2) 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.
 - (3) The letters “USA” must be used to indicate the State authorizing the allocation of the specification marks if the packaging is manufactured in the United States.
- (c) Where a packaging conforms to more than one UN standard or DOT specification, the packaging may bear more than one marking, provided the packaging meets all the requirements of each standard or specification. Where more than one marking appears on a packaging, each marking must appear in its entirety.
- (d) No person may mark or otherwise certify a packaging or container as meeting the requirements of a manufacturing special permit unless that person is the holder of or a party to that special permit, an agent of the holder or party for the purpose of marking or certification, or a third party tester.

[Amdt. 178-97, 55 FR 52716, Dec. 21, 1990; 56 FR 66284, Dec. 20, 1991, as amended by Amdt. 178-106, 59 FR 67519, Dec. 29, 1994; Amdt. 178-113, 61 FR 21102, May 9, 1996; 65 FR 50462, Aug. 18, 2000; 66 FR 45386, Aug. 28, 2001; 67 FR 61015, Sept. 27, 2002; 68 FR 75748, Dec. 31, 2003; 70 FR 73166, Dec. 9, 2005; 78 FR 14714, Mar. 7, 2013; 87 FR 44999, July 26, 2022]