



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 6, 2026

Lori A. DiRe
Regulatory Compliance and Product Safety Specialist
UPL NA, Inc.
5 Laboratory Drive
Building 1, Suite 1000
Durham, NC 27009

Reference No. 26-0082

Dear Ms. DiRe:

This letter is in response to your June 17, 2026 email, and subsequent phone conversation with my staff, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to marine pollutants. Specifically, you ask whether supplemental explanatory wording can be added to the exterior of a package marked in accordance with the International Maritime Dangerous Goods (IMDG) Code, to clarify that a product is not regulated by ground transport in the United States. In addition, you ask whether the provisions of § 171.4(c) extend to international regulatory markings only, or to supplemental wording as well.

PHMSA previously issued a letter of interpretation, which clarified that it is permissible to transport marine pollutants by domestic ground transportation with IMDG Code markings and labels, despite the regulations excepting them from the marking requirements.¹ The letter clarifies that explanatory wording would not be a violation of prohibited marking provisions (*See* § 172.401(c)(1)).

Therefore, the explanatory wording provided in your request is permissible. In addition, the HMR do not prohibit additional narrative indications like the example provided in your request as long as, if applicable, they are placed so as not to reduce the effectiveness of

¹ BASF, *Letter of Interpretation Number 13-0097*, available at:
<https://www.phmsa.dot.gov/regulations/title49/interp/13-0097>

markings required by the HMR (see § 172.304(a)(4)).

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, reading "Alexander Wolcott". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Alexander Wolcott
Acting Chief, Regulatory Review & Reinvention
Standards and Rulemaking Division



26-0082
Jacobson

Letter of Interpretation Request

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

Mon, Jun 22, 2026 at 12:08 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: **Lori DiRe** <lori.dire@upl-ltd.com>

Date: Wed, Jun 17, 2026 at 4:02 PM

Subject: :Re: Request for Interpretation – Application of supplemental explanatory regulatory statements on exterior packaging

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

Dear Sir or Madam,

Our organization imports pesticide products in non-bulk packaging that meet the criteria for classification as Class 9 Marine Pollutants (UN3082 or UN3077) for transport by vessel and are marked in accordance with IMDG Code requirements.

Following import, these same non-bulk packages are transported domestically by ground within the United States. Under 49 CFR, the material is not regulated for domestic ground transport, and shipping papers accordingly indicate "Not Regulated." We understand that, pursuant to 49 CFR §171.4(c), packages prepared in accordance with international regulations may continue in transportation within the United States without re-marking or re-labeling. We further understand that PHMSA has historically allowed the retention of IMDG hazard communication elements in these situations, as reflected in prior Letters of Interpretation.

We also recognize that 49 CFR §172.502(a)(2) prohibits the display of markings or labels that are false, misleading, or not relevant to the hazardous material contained in the package.

With this in mind, we seek clarification on whether supplemental explanatory wording may be applied to the exterior of the package and respectfully request PHMSA's interpretation on the following:

1. Would the inclusion of a statement such as:
"Product is regulated for transport by vessel or air but is not regulated for domestic ground transportation in the U.S."
be considered non-compliant under 49 CFR §172.502(a)(2) as a potentially misleading marking or one that falls outside the standardized hazard communication framework?
2. Is PHMSA's position that the allowance under §171.4(c) is limited strictly to the continuation of existing hazard markings applied under international regulations, and does not extend to additional narrative explanations on packaging describing modal regulatory differences?

Thank you for your time and consideration of this request.

Sincerely,

Lori A. DiRe

Regulatory Compliance and Product Safety Specialist

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