



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 11 2019

Eric Fishman
220 Laboratories
2375 3rd Street
Riverside, CA 92507

Reference No. 18-0047

Dear Mr. Fishman:

This letter is in response to your March 19, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the specification marking on an aerosol can. Specifically, you ask if the "M number" and pressure rating may be marked on the bottom of the can via laser inscription.

The answer is yes. In accordance with § 178.3(a)(1), the marking on a packaging must be in an unobstructed area, with letters and numerals identifying the standards or specification of the packaging. In addition, § 178.3(a) states, "the marking 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." Furthermore, §§ 178.33-9(a) and 178.33a-9(a) state that the marking must be made by printing, lithographing, embossing or stamping. It is the opinion of this Office that laser inscription is an acceptable method of marking, provided it is accessible, contrasting, and legible. Furthermore, there is no prohibition from marking on the bottom of the can.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Ciccarone
Labeling
18-0047

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, March 26, 2018 10:04 AM
To: Hazmat Interps
Subject: FW: DOT and 220 Laboratories

Alice and Ikeya,

Below is a request for a formal letter of interpretation. Please let me know if you have any questions.

Thanks,
Jodi

From: Eric Fishman [mailto:EFishman@220Labs.com]
Sent: Monday, March 19, 2018 6:06 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: DOT and 220 Laboratories

Hello again Jordan,

I'd like to request another formal letter of interpretation please: Would it be acceptable to the DOT if the can manufacturer marked the M number and Pressure Rating on the bottom of the can, by a permanent method such as laser inscription? Thank you.

Eric Fishman
220 Laboratories (951) 683-2912

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From: Eric Fishman
Sent: Thursday, November 3, 2016 1:33 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: DOT and 220 Laboratories

Thank you Jordan,

As requested, our mailing address is:

2375 3rd St.
Riverside, CA 92507

Eric Fishman
220 Laboratories (951) 683-2912

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From: INFOCNTR (PHMSA) [mailto:INFOCNTR.INFOCNTR@dot.gov]
Sent: Thursday, November 3, 2016 1:25 PM
To: Eric Fishman <EFishman@220Labs.com>
Subject: RE: DOT and 220 Laboratories

Dear Eric,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

Please allow a minimum of 8 weeks before contacting the Office of Hazardous Materials Standards (OHMS) for a status on written letters of interpretations. Delivery time of a written interpretation can vary markedly based on topic complexity and the depth of review necessary by OHMS Divisions and modal administrations (e.g., FAA) to ensure an appropriate response.

Sincerely,

Jordan, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: Eric Fishman [<mailto:EFishman@220Labs.com>]

Sent: Thursday, November 03, 2016 11:38 AM

To: PHMSA HM InfoCenter

Cc: Mike Herzog

Subject: DOT and 220 Laboratories

Hello, I work at an aerosol manufacturing facility and have a question regarding the can pressure rating and the can manufacturer's M number that are required to be printed on the can. Is it acceptable to the DOT if the marking was screened in the middle of the can so that when an opaque label is applied it covers it?

If the DOT needed to see the number during an investigation, they could simply peel back the label to see the numbers. As far as I understand, the DOT uses these numbers as a reference if they conduct an investigation. They are not intended for the consumer to reference and the transporter references other markings when shipping, such as ORMD, Ltd. Qty. etc.

The reason I ask is because some of our Customers have asked us to orient the cans so that the dot marking at the bottom of the can always faces the back of the label (picture attached) and that orientation work slows down our production line a lot. If the mark was under the label, we would not have to orient the can.

I'm asking for a formal letter of interpretation and I appreciate your feedback! Thank you,

Eric Fishman

220 Laboratories (951) 683-2912

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