



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 01 2019

Ms. Tammy King
Label Solutions, Inc.
P.O. Box 12
Marshfield, MO 65706

Reference No. 16-0089R

Dear Ms. King:

This letter is further clarification to our October 20, 2016 response (Interp No. 16-0089) to your inquiry requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to cylinder labels and Compressed Gas Association (CGA) C-7, Appendix A, A.4. Specifically, you ask if it is acceptable for the words “flammable gas” or “non-flammable gas”—when placed in the transportation diamond as illustrated in CGA C-7, Appendix A—to be on two lines rather than one line as it appears in § 172.417 of the HMR.

As we noted in our previous response, the HMR provide several options for labeling of compressed gas cylinders. Cylinders containing a flammable gas may be labelled with the label prescribed in § 172.417 of the HMR. Additionally, § 172.400a authorizes a cylinder containing a Division 2.1, 2.2, or 2.3 material to be durably and legibly marked in accordance with CGA C-7, Appendix A. While neither CGA C-7, Appendix A, nor the HMR specifically illustrate the hazard class text displayed on two lines, § 172.407(f) of the HMR permits the use of labels that conform to the United Nations (UN) Model Regulations in place of a corresponding label that conforms to the HMR. Section 5.2.2.2.1.5 of the UN Model Regulations states that for labels other than Class 7 labels, the insertion of any text (other than the class or division number) in the space below the symbol is authorized provided it relates to the nature of the hazard and precautions to be taken in handling. As such, a label displaying the words “flammable gas” or “non-flammable gas” whether on one or two lines, that otherwise conforms to the UN Model Regulations is permitted by § 172.407(f) of the HMR.

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Andrews
18-0150/16-0089(R)

January, Ikeya CTR (PHMSA)

From: Foster, Glenn (PHMSA)
Sent: Thursday, November 29, 2018 1:21 PM
To: Kelley, Shane (PHMSA)
Cc: Dodd, Alice (PHMSA); January, Ikeya CTR (PHMSA)
Subject: Use of UN Compliant Cylinder Labels
Attachments: Labels C-7 Marking Conflict 2016.pdf

Hello Shane,

In the incoming, Ms. King asked about CGA labeling requirements vs. HMR labeling requirements. Unfortunately, the UN label option was never brought up, so it was never addressed in our response, either yay or nay. Since this has muddied the waters, it is probably not a bad idea to expand on the October 2016 response.

Alice/Ikeya,

Please create additional record for Interp No. 16-0089 with an "R" for revision and assign it to whomever is next up in the rotation. Put a note in the folder for the Specialist to see me for details about the Interp.

Thanks,
Glenn

From: Kelley, Shane (PHMSA)
Sent: Thursday, November 29, 2018 11:06 AM
To: Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>
Subject: Fwd: Use of UN Compliant Cylinder Labels

See below and attached.

Can we issue a clarification that factors the HMR authorization to use a label conforming to UN? Is the below enough as an incoming?

In short I believe we overlooked the UN label option in our initial response. This has led to substantiating enforcement actions by State and local authorities so a clarification would be helpful.

Let me know how I can help. Happy to work with whomever we assign if needed.

From: Rich Craig <rcraig@cganet.com>
Sent: Thursday, November 29, 2018 3:33 PM
To: Kelley, Shane (PHMSA)
Subject: FW: Use of UN Compliant Cylinder Labels

Shane;

Here's the item on placarding we discussed this morning.

Rich

From: Richard Schweitzer <rpschweitzer@rpslegal.com>
Sent: Thursday, February 8, 2018 11:35 PM
To: 'Kelley, Shane (PHMSA)' <shane.kelley@dot.gov>
Cc: 'Michael Dodd' <mldsafety@hotmail.com>; Rich Craig <rcraig@cganet.com>; 'John Anderson (SAFECOR)' <John.Anderson.SAFECOR@Airgas.com>
Subject: RE: Use of UN Compliant Cylinder Labels

Thanks very much for the quick turnaround, Shane. I assume we can use this response in the short run, and you will revise/withdraw the attached interpretation dated October 20, 2016?

Best regards,
Rick Schweitzer
General Counsel
Gases and Welding Distributors Association

Richard P. Schweitzer, PLLC
1717 K Street, N.W. Suite 900
Washington, D.C. 20006
(202) 223-3040 office
(703) 946-2548 cell
www.rpslegal.com

From: Kelley, Shane (PHMSA) [<mailto:shane.kelley@dot.gov>]
Sent: Thursday, February 08, 2018 5:22 PM
To: rpschweitzer@rpslegal.com
Cc: Michael Dodd; Craig, Richard; John Anderson (SAFECOR)
Subject: RE: Use of UN Compliant Cylinder Labels

Hi Rick

The below provision is applicable to labels that conform to the UN Recommendations. Text on a UN label is optional but must relate to the hazard. "Flammable gas" - whether displayed on one or two lines of text" is text that relates to the hazard.

The short answer is if the label conforms to UN it may be substituted for our HMR required label as per 172.407(f). Our unique PIH label is of course excepted from this provision!

Hope this helps!

Shane

172.407(f)

(f) Exceptions. Except for materials poisonous by inhalation (See §171.8 of this subchapter), a label conforming to specifications in the UN Recommendations (IBR, see §171.7 of this subchapter) may be used in place of a corresponding label that conforms to the requirements of this subpart.

https://www.ecfr.gov/cgi-bin/text-idx?SID=345844b6330ddd4215c69248bf4b8eb8&mc=true&node=se49.2.172_1407&rgn=div8

From: rpschweitzer rpslegal.com
Sent: Thursday, February 8, 2018 3:22:04 PM
To: Kelley, Shane (PHMSA)
Cc: Michael Dodd; Craig, Richard; John Anderson (SAFECOR)
Subject: Use of UN Compliant Cylinder Labels

Shane—

Per our discussion today, is a label for Division 2.1 or 2.2 compressed gas cylinder that otherwise complies with the UN Recommendations (5.2.2.2) authorized for domestic transportation in the United States under the Hazardous Materials Regulations if the text "Flammable Gas" or "Non-Flammable Gas," respectively, appears in two lines on the label instead of on one line?

Thank you in advance,
Rick Schweitzer
General Counsel
Gases and Welding Distributors Association

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