



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

August 15, 2019

Mr. Bradley Spears  
Outbound Logistics Manager  
MidwayUSA  
5875 West Van Horn Tavern Road  
Columbia, MO 65203

Reference No. 19-0059

Dear Mr. Spears:

This letter is in response to your May 10, 2019, letter and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for specification markings on packagings. Specifically, you are seeking clarification on whether you may reproduce the United Nations (UN) specification marking on a printed label for a variation packaging. You state that you are shipping hazardous materials in cardboard boxes that are smaller than a tested specification box in accordance with Variation 4 in § 178.601(g)(4). You also state that your specification boxes are purchased from a manufacturer and then tested by a third-party testing lab. The test report is submitted to the manufacturer who then prints the UN specification markings on the boxes. Your company purchases the same type of boxes (same methods of construction, materials of construction, strength characteristics of materials of construction, method of closure, and material thickness) as the specification boxes, only smaller in external dimension, and would like to reproduce the specification marking for these variation boxes using a printed label. You state that the print on these labels meets the requirements of § 178.3(a)(4).

The answer is yes, provided the markings meet the applicable requirements of § 178.3 and § 178.503. In accordance with § 178.3(a)(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." These printed labels must be able to maintain a level of permanency so as not to become illegible or compromised during conditions normally incident to transportation.

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

**Dodd, Alice (PHMSA)**

Larson  
19-0059

**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, May 10, 2019 11:31 AM  
**To:** Hazmat Interps  
**Subject:** FW: Formal request for Letter of Interpretation  
**Attachments:** Letter of Interpretation to DOT - Variation 4.docx

Hi Alice and Ikeya,

Below and attached is a request for letter of interpretation. I provided 08-0104 for now but the caller would still like a letter.

Thanks,

Jonathon, HMIC

---

Request for interpretation

**RE: 49 CFR 178.3**

Dear Sir or Madam,

MidwayUSA is wanting to ship our hazardous materials (UN0044 Primers, cap type; UN0509 Powder, smokeless; NA3178 Smokeless powder for small arms; UN0501 Propellant, solid) in smaller cardboard boxes (smaller in length, width, and height) than our tested and fully compliant UN Specification package using Variation 4 of 178.601. However, these smaller cardboard boxes are not "...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" as per 178.3(a)(3).

We are seeking advice/clarification from the Department of Transportation on whether we can reproduce the UN specification marking, from our specification package test report, in permanent printed black ink onto a white label, adhering to the requirements of 178.3(a)(4), and affix those white labels to any side but the bottom of the cardboard box.

I have enclosed a picture of a sample package. Please note, there are no other markings or labels on any of the other sides of the package aside from our company logo, shipping label, and carrier shipping papers.

Sincerely,

Bradley Spears  
Outbound Logistics Manager  
MidwayUSA  
[bspears@midwayusa.com](mailto:bspears@midwayusa.com)

Standards and Rulemaking Division  
Pipeline and Hazardous Materials Safety Administration,  
Attn: PHH-10  
United States Department of Transportation  
East Building  
1200 New Jersey Avenue SE  
Washington, DC 20590-0001

Bradley Spears  
Outbound Logistics Manager  
5875 West Van Horn Tavern Rd  
Columbia, MO 65203

Request for interpretation

**RE: 49 CFR 178.3**

Dear Sir or Madam,

MidwayUSA is wanting to ship our hazardous materials (UN0044 Primers, cap type; UN0509 Powder, smokeless; NA3178 Smokeless powder for small arms; UN0501 Propellant, solid) in smaller cardboard boxes (smaller in length, width, and height) than our tested and fully compliant UN Specification package using Variation 4 of 178.601. However, these smaller cardboard boxes are not "...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" as per 178.3(a)(3).

We are seeking advice/clarification from the Department of Transportation on whether we can reproduce the UN specification marking, from our specification package test report, in permanent printed black ink onto a white label, adhering to the requirements of 178.3(a)(4), and affix those white labels to any side but the bottom of the cardboard box.

I have enclosed a picture of a sample package. Please note, there are no other markings or labels on any of the other sides of the package aside from our company logo, shipping label, and carrier shipping papers.

Sincerely,

Bradley Spears  
Outbound Logistics Manager  
MidwayUSA  
bspears@midwayusa.com



- Attached is the formal letter with the above information in a word document

--  
**Bradley Spears**

Logistics Outbound Mgr | NRA Life Member

[BSpears@midwayusa.com](mailto:BSpears@midwayusa.com) | 573-445-6363 x2663

5875 West Van Horn Tavern Rd. | Columbia, MO 65203

**Midway** USA

**Malcolm Baldrige**  
National Quality Award  
2009 & 2015 Recipient