



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

November 2, 2020

Tom Forbes  
Assistant Chief, Motor Carrier & Rail Enforcement Division  
Public Utilities Commission of Ohio  
180 E. Broad Street Suite 421  
Columbus, OH 43215

Reference No. 20-0071

Dear Mr. Forbes:

This letter is in response to your August 28, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to labeling requirements. Specifically, you describe a roadside inspection of a hazardous materials shipment of drums of “UN1198, Formaldehyde solutions, flammable, 3, 8, PG III.” You indicate that while the inspector was unable to visually confirm the presence of labels on the side of the drums, the shipper stated the side of each drum was labeled with the Class 3 flammable liquid label and the subsidiary Class 8 corrosive label. Furthermore, you state that the top of each drum had a Class 3 flammable liquid label, as part of what appeared to be a Globally Harmonized System of Classification and Labelling of Chemicals (GHS) product label. You ask whether the lack of a subsidiary Class 8 corrosive label on the top of the drum is a violation of the labeling requirements of the HMR, if the required labels are elsewhere on the side of the drum.

The answer is no. Voluntary, duplicative labeling on the top of the drum is not prohibited, and the omission of the subsidiary Class 8 corrosive label next to the Class 3 flammable liquid label on the top of the drum is not a violation of the HMR, provided that both labels (primary and subsidiary) are represented on the side of the drum or package and satisfy the labeling requirements of the HMR.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Hazmat Interps](#); [Dodd, Alice \(PHMSA\)](#)  
**Subject:** FW: Request for Written Interpretation  
**Date:** Wednesday, September 2, 2020 4:51:02 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image003.png](#)  
[image004.png](#)

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Dear Alice,

Please see below for a letter of interpretation request.  
Please contact our office with any questions.

Thank you,

Sarah (HMIC)

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**From:** tom.forbes@puco.ohio.gov [mailto:tom.forbes@puco.ohio.gov]  
**Sent:** Friday, August 28, 2020 4:32 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Cc:** Rod.Moser@puco.ohio.gov  
**Subject:** Request for Written Interpretation

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Sirs:

We are requesting a written interpretation on subsidiary labeling requirements. In this situation the shipper filled and offered a drum of UN 1198 Formaldehyde Solution 3 (8) III to a motor carrier. The vehicle was stopped for inspection in Ohio. On the top of the drum there is a flammable label, the UN number and the proper shipping name (see attached photo). The inspector looked at the sides of the drum and could not see any other labels. The shipper claims the label on the top is for their benefit and that there are primary and subsidiary labels on the side (This is in dispute).

- If the shipper decides to add an additional label, UN number and Proper Shipping Name to the top of a package must the also include the subsidiary hazard label?

Since labeling regulations do not address permissive labeling I am of the opinion that all labeling must be in conformance with Subpart E. The regulation does say the primary and subsidiary hazard label must be displayed next to each other (within 6 inches). There are no label modification or exceptions relevant to this package. Hazard communications are to assist emergency responders and this labeling misidentifies some of the hazards associated with this package.

Fell free to call me and discuss but please also forward for a written interpretation.

Thank you for your time and attention on this matter.

## Tom Forbes

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