



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 22 1999

Mr. Ralph B. Wood
Commercial Vehicle Consultant
23076 Dune Mear Road
Lake Forest, CA 92630-3933

Ref. No. 99-0076

Dear Mr. Wood:

This is in response to your inquiry concerning whether the use of two different primary hazard labels for the same hazard class is permissible under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire whether a POISON GAS or TOXIC GAS label and the new poison inhalation hazard (PIH) label may be displayed on a cylinder containing Sulfuryl fluoride, 2.3, UN2191. The International Maritime Dangerous Goods Code does not provide for the display of the PIH label as required by the HMR effective October 1, 1999.

The answer to your question is yes, the dual display of the old POISON GAS or TOXIC GAS label and the new PIH label is acceptable. The old label represents the hazard of material in the package and is required under the International Maritime Dangerous Goods (IMDG) Code. Its continued use under the HMR is acceptable as specified in § 172.401(a)(2) and (c) respectively.

In a recent interim final rule (September 16, 1999; HM-206D; 64 FR 50260), we provided a transition period until October 1, 2001, to allow a package containing a PIH material to be labeled with the old POISON GAS or TOXIC GAS label in accordance with the IMDG Code, subject to the following conditions and limitations:

- (1) The material must be packaged in accordance with the HMR;
- (2) The package must be marked "inhalation hazard" in accordance with § 172.313(a);
- (3) The package must be transported in a closed transport vehicle or freight container that is marked with the identification number for any quantity of PIH materials as prescribed in § 172.313(c);



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- (4) If a closed transport vehicle or freight container contains more than one PIH material, it must be marked with the identification number determined according to § 172.313(c)(3); and
- (5) A closed transport vehicle or freight container must be placarded as required by subpart F of part 172 of the HMR.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

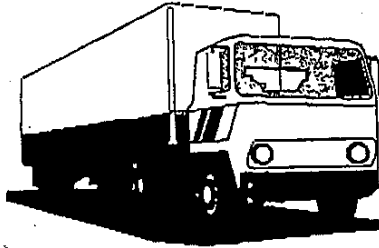
Hattie L. Mitchell

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Stevens

§ 172.401

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RALPH B. WOOD
COMMERCIAL VEHICLE CONSULTANT

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

Dear Sir

I would like to have an official interpretation on the following subject. Is it permissible to display on a gas cylinder two primary labels for the same hazard class. DOW AGRO is currently displaying the new poison inhalation hazard label and the old poison gas label on the same cylinder, next to each other. Both labels display the class number at the bottom of the label. The reasoning that was given for doing this is, that IMO does not recognize the US DOT poison inhalation hazard label, and that they ship some cylinders overseas. The product in the cylinders is Sulfuryl Fluoride 2,3 UN2191. There is no subsidiary hazard indicated. Thank you for your reply in advance

Sincerely

R. B. Wood

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