



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN - 4 1999

Mr. Robert F. Rau
Manager, Transportation Regulations
Clariant Corporation
4000 Monroe Road
Charlotte, NC 28205

Ref. No. 99-0093

Dear Mr. Rau:

This is in response to your letter dated March 24, 1999, requesting clarification on labeling requirements under § 172.406 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether affixing the hazard warning label to the surface of a stretch band which is wrapped around the drum would be considered affixing the label to the surface of the package.

This method is acceptable if the plastic band is affixed to the drum and the label is affixed to the plastic, provided the label stays on during conditions normal to transportation. If the labels come off during normal transportation, it would be a violation of the HMR.

I hope this satisfies your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



990093

172906

Clariant Corporation

4000 Monroe Road
Charlotte, NC 28205
704.331.7000



label172.406

March 24, 1999

CERTIFIED - RETURN RECEIPT REQUESTED

Booth
§172.406
99-0093

Mr. Edward Mazzullo
Director – Office of Hazardous Materials Standards
U. S. Department of Transportation
Research and Special Programs Administration DHM-10
400 7th Street S. W.
Washington, D.C. 20590

Subject: Request for Interpretation - 49CFR Section 172.406(a)(1)(i)
Placement of Labels.

Dear Mr. Mazzullo:

Subject provision requires that the DOT hazard warning labels be affixed to the surface of a package. Some of our packages are standard UN1H1 and UN1H2 reusable 35 to 55 gallon capacity drums that arrive from our drum suppliers and reconditioners with a 254 mm (10 inch) wide 4 mm thick polyethylene stretch band around the center portion of the drum. The stretch band has the reconditioner's preprinted return address.

Placement of the DOT labels to the surface of the stretch band is desirable because the labels adhere best to the stretch band surface of the drum. We presently provide DOT hazardous material markings and other information on a large adhesive label applied to the stretch band.

Please note the three enclosed photographs and one sample of the polyethylene stretch band demonstrate that the stretch band is securely placed on the drum by suitable means with permanency and withstands incidents normal to transportation.

On the basis that the stretch band has a substantial degree of permanence on the drum, we respectfully request your interpretation of subject provision wherein affixing the DOT hazard warning labels to the surface of the stretch band would be considered affixing the DOT hazard warning labels to the surface of the package.

If you need additional information or have any questions, please contact me at (704) 331 7764 or, robert.rau@clariant.com.

Sincerely,



Robert F. Rau
Manager, Transportation Regulations