FEB 28 2000

Mr. Robert Strasser
National Packaging Services, Inc.
61 Kansas Street
Haekensack, NJ 07601

Dear Mr. Strasser:

This is in response to your letter of February 10, 2000, requesting clarification of the notification requirements in §178.2(c) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask how often a manufacturer or subsequent distributor of a packaging must provide closure instructions to a customer.

Once notification has been made it is not necessary to send identical notification again, provided such notification is clearly identified as being applicable to a particular packaging for a stated amount of time, or "until further notice" or similar language. Therefore, only one notification is necessary as long as the package design remains the same and there is no change in closure or other use instructions.

I hope this information is helpful.

Sincerely,

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

Ref. No: 00-0045

000045
DEAR MR. MAZZULLO:

"HOW OFTEN MUST A MANUFACTURER OR SUBSEQUENT DISTRIBUTOR PROVIDE CLOSURE INSTRUCTIONS TO A CUSTOMER?"

MY UNDERSTANDING IS, THERE IS NO PLACE IN THE HMR, THAT REQUIRES MORE THAN ONE (1) NOTIFICATION. THEREFORE, ONCE SUCH NOTIFICATION HAS BEEN MADE, IT IS NOT NECESSARY TO SEND IDENTICAL NOTIFICATION AGAIN, EVER, PROVIDED SUCH NOTIFICATION IS CLEARLY IDENTIFIED AS BEING APPLICABLE TO A PARTICULAR PACKAGING FOR A STATED AMOUNT OF TIME, OR "UNTIL FURTHER NOTICE" OR SOME SUCH LANGUAGE.
IT WOULD APPEAR THAT ONLY ONE NOTIFICATION IS NECESSARY AS LONG AS THE PACKAGE DESIGN REMAINS THE SAME AND THERE IS NO CHANGE IN CLOSURE INSTRUCTIONS. IF A PACKAGE IS SUBSEQUENTLY TRANSFERRED AND THE CLOSURE INSTRUCTIONS HAVE CHANGED, THE NEW CLOSURE INSTRUCTIONS MUST BE OFFERED WITH THE APPLICABLE PACKAGE.

I WOULD APPRECIATE AN "OFFICIAL" INTERPRETATION FROM STANDARDS FOR MY RECORDS. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE FEEL FREE TO CALL ME AT (201) 488-6700 EXT.: 111. THANKING YOU IN ADVANCE FOR THE ATTENTION GIVEN TO THE ABOVE. I LOOK FORWARD TO HEARING FROM YOU SHORTLY.

SINCERELY,

ROBERT STRASSER