



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

FEB -7 2002

Ms. Sandra L. Basham
The Sherwin Williams Company
101 West Prospect Avenue
Cleveland, OH 44115-1075

Ref. No. 01-0304

Dear Ms. Basham:

This is in response to your letter dated October 22, 2001 requesting clarification of the labeling requirements under the Hazardous Materials Regulation (HMR; 49 CFR Parts 171 - 180). In a subsequent letter, dated January 14, 2002, you submitted a sample hazardous warning label for our review. Specifically, you asked if the label, as printed, is in compliance with the Hazardous Materials Regulations with regard to the size.

As provided by § 172.407(c), each hazardous material warning label (diamond) must be square-on-point and at least 100 mm (3.9 inches) on each side with each side having a solid line inner border 5.0 to 6.3 mm (0.2 to 0.25 inches) from the edge. The FLAMMABLE LIQUID label you enclosed is not in compliance with the labeling specifications as prescribed in § 172.407(c). Specifically, two of the four points on your label are round and not "square-on-point," as prescribed in § 172.407(c). The "FLAMMABLE LIQUID" label must be as shown in § 172.419 with all points being square. Except for your label not being "square-on-point," the enclosed label otherwise conforms to the provisions specified in § 172.407(c).

I hope this satisfies your request.

Sincerely,

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



010304

172.407

§172.407
Labeling



Environmental, Health, & Regulatory Services

THE SHERWIN-WILLIAMS COMPANY
101 WEST PROSPECT AVENUE
CLEVELAND, OH 44115-1075

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 22, 2001

Mr. Edward T. Mazzullo
Director of Office of Hazardous Materials Standards
USDOT/RSPA (DHM-10)
400 7th Street SW
Washington, DC 20590-001

Dear Mr. Mazzullo:

Our company manufactures, warehouses, and transports paint and other products throughout the United States and Canada. Transport Canada mandates that hazard labels be placed on the package so that they are in the diamond or "on-point" configuration. This is also the preferred orientation of hazard labels per the U.S. DOT.

We are attempting to identify methods that would more easily allow our automatic equipment to apply hazard labels to 5-gallon pails in the correct orientation. A method that would assist the machinery is depicted in the enclosed sketches. Essentially, the standard size (100 mm per side) hazard label would be printed on a white background that exceeds the size of the label as shown (total label size 5.5 inches square). Note that the "backing" provides a clear and contrasting background from the label.

I'd like to know if the label configuration shown is acceptable to the U.S. DOT. I spoke with one of your specialists via telephone and he had a concern that the white backing, because it extends beyond the 4" by 4" hazard label, would violate the size specification in §172.407(c). S-W is of the opinion that the white, contrasting background, which is added simply to expedite machine label application, does not violate the referenced regulations.

Can you please provide a written interpretation of this proposed label configuration?
Thank you for your prompt assistance with this matter.

Sincerely,
THE SHERWIN-WILLIAMS COMPANY

A handwritten signature in cursive script, appearing to read "Sandra L. Basham", with a long horizontal flourish extending to the right.

Sandra L. Basham
Director of Transportation
Corporate Regulatory Affairs

Enc: sketches