



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

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

NOV 4 2004

Mr. Lonnie Harrington
306 Aundria Drive
Lafayette, LA 70503

Ref. No. 03-0235

Dear Mr. Harrington:

This is in response to your letter asking if Tyvec paper printed with the required hazard class and UN standard packaging markings, cut in the form of a label, and sewn to a woven, flexible intermediate bulk container (FIBC) meets the criteria for permanency and durability as prescribed in §§ 178.3 and 178.703 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You said Mr. Kurt Eichenlaub, a member of our staff, stated to you in a telephone conversation he believed the label you described would meet these criteria.

In a September 27, 2004 telephone conversation with Ms. Eileen Edmonson of my staff, you stated the label has a slick coating, cannot be torn, and is sewn on with a heavy density thread. You also stated in your letter and in your conversation with Ms. Edmonson that you would provide this office with an example of the label product, but we have not received this material to date. We apologize for the delay in responding and any inconvenience this may have caused.

Based on the information you provided, it is this office's opinion the printed Tyvec paper label you described that is properly sized and marked with the DOT specification or UN standard symbols and language required under the HMR for the hazardous material and packaging type will meet the criteria for permanency under § 178.3(a)(3) provided the Tyvec label is secured to a non-removable component of the FIBC in a manner that cannot be removed easily, e.g., if all four outer sides of the Tyvec paper label were sewn to the FIBC. It is also our opinion the printed Tyvec paper label meets the criteria for a "durable" marking under § 178.703(a)(1) introductory paragraph.

I hope this satisfies your request.

Sincerely,

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



030235

178.3(a)(3)
178.703(a)(1)

9/25/03

Lonnie Harrington
306 Aundria Dr.
Lafayette, LA 70503

Edmonson
§ 178.3 (a)(3)
and § 178.703(a)(1)
Marking
03-0235

Good Morning,

In speaking to representative, Kurt, this AM I was inquiring as to what is considered under 178.3 (a) ... "must be marked on a non-removable component of the packaging..." a permanent label that the UN markings can be printed on. What I discussed was sewing on to an FIBC is a Tyvec label with markings as referenced in section 178.703 (... "pictogram displaying recommended lifting methods..") and below the pictures, print the UN required numbers (178.503) 12mm or larger.

In other words we actually sew the label on to the bag during the manufacturing process on this Tyvec label (quality cloth type label that accepts print readily):

I am looking for his response via e-mail, in prelude to getting written formal response. The formal response can be sent to this e-mail address or address:

Thanking you in advance for a quick response in this matter.
Regards,

Lonnie Harrington