



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

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

OCT 9 2003

Ms. Sandra L. Basham
Director of Transportation Corporate
Regulatory Affairs
The Sherman-Williams Company
101 West Prospect Avenue
Cleveland, OH 44115-1075

Ref. No. 03-0237

Dear Ms. Basham:

This is in response to your letter dated September 16, 2003 regarding the limited quantity marking requirements found in Part 172, Subpart D of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180). Specifically, you ask if a package marked with the identification number inside a white square-on-point configuration and the term "LIMITED QUANTITY" would fulfill the marking requirements for packages containing limited quantities of hazardous materials.

Your example fulfills the requirements of § 173.315, which permits a shipper to mark the package with the identification number inside a white square-on-point configuration to identify the material as a limited quantity. Further, placing the term "Limited Quantity" on the packaging is neither required nor prohibited under § 172.303. Therefore, marking the term "LIMITED QUANTITY" on the package as shown in your example is acceptable. Note, however, that, in order for your example to fulfill the requirements of Part 172, Subpart D, additional packaging markings are required. At the very least, the package must be marked with the consignee's or consignor's name and address under § 172.301(d) and, possibly, packaging orientation arrows under § 172.312.

I hope this satisfies your request.

Sincerely,

Susan Gorsky
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



030237

172.301



Environmental, Health, &
Regulatory Services

50478
§ 172.301
Marking
03-0237

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

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 16, 2003

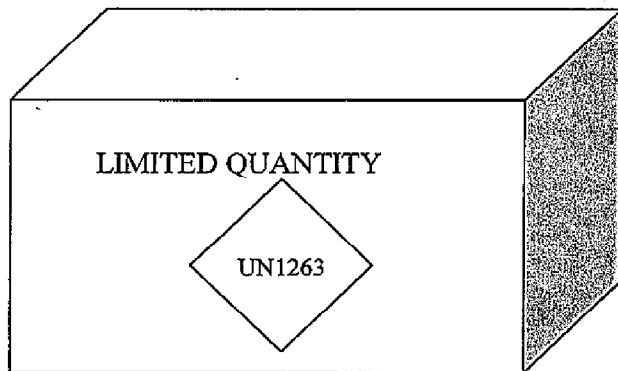
Mr. Edward T. Mazzullo
Director of Office of Hazardous Materials Standards
USDOT/RSPA (DHM-10)
400 7th Street SW
Washington, DC 20590-001

Dear Mr. Mazzullo:

Our company manufactures, warehouses, and transports paint and other products throughout the United States and Canada. Transport Canada's Clear Language regulations allow cartons containing limited quantities of dangerous goods to be exempt from packaging, marking, and labeling requirements. The only mark that is required is the words "LIMITED QUANTITY" (or its accepted abbreviation) on one side of the carton. In their Amendment Number 2, adopted August 13, 2003, Transport Canada indicated that the term "CONSUMER COMMODITY" could be used interchangeably with "LIMITED QUANTITY."

In HM-215E, Section 172.301 indicates that it is no longer necessary to mark both the proper shipping name and the UN number on packages of ORM-D and limited quantities. In these cases, the UN number may be dropped. Additionally, Section 172.315 allows an alternative mark for limited quantities. The proper shipping name is not required if the carton is marked with the UN number placed within a diamond shape.

As Sherwin-Williams routinely has product that is manufactured and packaged in Canada for shipment to the US, as well as product manufactured and packaged in the US for shipment to Canada, we need to find one method of carton marking that will be acceptable to the regulatory agencies of both countries. Would US DOT /RSPA find a carton marked as shown in the illustration below (with both the words "LIMITED QUANTITY" and the UN number within a diamond) acceptable? Would such a carton being imported into the US from Canada be in violation of any regulations? Would it be acceptable for reshipment throughout the United States?



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

Sincerely,
THE SHERWIN-WILLIAMS COMPANY

Sandra L. Basham
Director of Transportation
Corporate Regulatory Affairs

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