



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

APR 19 2004

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

Ms. Connie Barron
Export Distribution Supervisor
Mallinckrodt Baker Inc.
7001 Bypass Road
Paris, KY 40361

Ref. No. 04-0083

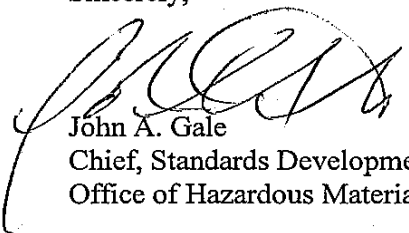
Dear Ms. Barron:

This responds to your March 18, 2004 letter requesting clarification on the requirement to mark limited quantity packages with the UN identification number within a diamond under section 3.4.5.2 of the International Maritime Dangerous Goods (IMDG) Code. Specifically, you ask whether the IMDG Code requires packages containing limited quantities to be marked with the UN identification number placed within a diamond as specified in 3.4.5.2 of the IMDG Code.

The answer is yes. Section 3.4.5.2 of the IMDG Code states that limited quantity packages need not be marked with the proper shipping name but, must be marked with the UN identification number placed within a diamond. In your letter you note that § 172.315 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) allows the UN identification number within a diamond marking as an option but does not require it if the proper shipping name is marked on the box. You ask whether the intent of the IMDG Code is to also allow a similar alternative. No similar alternative exists in the IMDG Code. However, limited quantities of dangerous goods for personal or household use that meet the provisions of section 3.4.7 of the IMDG Code are not required to be marked with the UN identification number within a diamond.

I hope this answers your inquiry.

Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



040083

§ 172.315

tyco

Specialty
Products

**Mallinckrodt
Baker**

March 18, 2004

US Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards (DHM-10)
400 Seventh Street SW
Washington, DC 20590-0001

Dear Sirs:

I am writing to request a DOT interpretation of an IMDG regulation that went into effect January, 2004. This is in the chapter regarding "Limited Quantities", section 3.4.5.1(.2), Marking & Labeling.

It states "packages of dangerous goods transported in accordance with the special provisions of this chapter need not be marked with the Proper Shipping Name of the contents, but shall be marked with the UN Number of the contents placed within a diamond."

We are a chemical company and ship roughly 75% of the UN numbered products listed in the Dangerous Goods List. All of our packages ship with a pick ticket label attached that includes the Proper Shipping Name, the hazard class, the UN number, and the packing group. This ticket goes on every box, whether it is a regular hazardous order or a limited quantity order, the only difference being the hazard label being applied for the regular order vs. no hazard label for the limited quantity order. All of our hazardous items are packaged in the correct UN specification packaging, whether they are a regular hazardous order or a limited quantity order.

We ship our material worldwide and ship numerous containers and LCL shipments overseas. Because of our extensive product line, and because of the segregation rules for IMDG (and DOT), we do use the limited quantity rule, as we sell a majority of our products in 100 gr, 500 gr, or 500 ml size containers, along with the 2.5 ltr and 4 ltr size bottles.

We may have an overseas container load that has several different oxidizers, corrosives and flammables. Some of these inner packagings are only 500 ml or 500 gram sizes, which we would call "limited quantity" due to the compatibility issues with each of the classes involved, since we cannot put oxidizers on a container with corrosives, or a corrosive base with a corrosive acid. These items would also be classified by the IMDG as limited quantities based on Column 7 of the Dangerous Goods List.

Mallinckrodt Baker, Inc.
P.O. Box 800
Paris, KY 40362-0800

Tele: 859 987-7000

Boothe
\$ 172.315
Markings
of Limited Quantities
04-0083

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**Specialty
Products**

**Mallinckrodt
Baker**

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P.O. Box 800
Paris, KY 40362-0800

Tele: 859 987-7000

Because we have so many different items that we classify as "limited quantity", our concern is the label now required with the UN number within the diamond.

One interpretation of the regulation is that no matter what, you've got to have these UN numbered diamonds on each package, no matter how much information you're giving on the package.

However, the other argument or interpretation is that the statement "need not be marked with the Proper Shipping Name of the contents," means that you do not have to do that, but if you do give all the required shipping information, then you've complied with the IMDG, which is requiring that a UN Number be on the package.

This is a very big issue for us, because to purchase these labels with UN Numbers already in the label for each of the thousands of UN products that we sell, the cost of these labels would end up costing more than the product itself. Because of the compatibility issues, we will need to continue to ship as limited quantities.

All of our material is packaged according to DOT regulations. When these products are run in production, if they are classified as a limited quantity by DOT, then no hazard label is put on the box. Therefore these packages are in stock already packaged in UN spec packages, but have no hazard label on them. Our bill of lading that are computer generated show "limited quantity" in the description line. These same products are pulled for International orders, and generally anything used as limited quantity for DOT is also used as limited quantity for IMDG.

The DOT states in 172.315 that "a package containing a limited quantity of hazardous materials is not required to be marked with the proper shipping name provided it is marked with the identification (ID) number, preceded by the letters "UN" or "NA", as applicable." In my interpretation, this reads as an "either-or" situation, you've got to meet one or the other requirement in order to comply with the DOT regulations. I need to know if the intent of the IMDG was to actually have an "either-or" requirement also. All we hear about is how everyone is trying to be on the same page when it comes to DOT, IMDG & IATA regulations, and this would be one of those times that I hope everyone is on the same page.

Looking forward to your interpretation of this IMDG regulation.

Thank you,

Conrad Barrer

tyco

*Specialty
Products*

**Mallinckrodt
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Connie Barron
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TEL: 859-987-9444
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CC: United States Coast Guard
Hazardous Materials Standards Div (G-MSO-3)
2100 Second Street SW
Washington, DC 20593-0001

Chapter 3.4

Limited quantities

3.4.1 General

The provisions of this chapter concern the transport of dangerous goods of certain classes packed in limited quantities. The applicable inner packaging quantity limit for the inner packaging or article is specified for each substance in column 7 of the Dangerous Goods List in chapter 3.2. In addition, the word "None" has been indicated in column 7 of the Dangerous Goods List in chapter 3.2 for each entry not permitted to be transported in accordance with this chapter. The full provisions of this Code apply equally to limited quantities except as provided elsewhere in this chapter.

3.4.2 Packing

3.4.2.1 Dangerous goods transported according to these special provisions shall be packaged only in inner packagings placed in suitable outer packaging. The packagings shall meet the provisions of 4.1.1.1, 4.1.1.2 and 4.1.1.4 to 4.1.1.8 and be so designed that they meet the construction provisions of 6.1.4. The total gross mass of a package shall not exceed 30 kg.

3.4.2.2 Shrink- or stretch-wrapped trays meeting the conditions of 4.1.1.1, 4.1.1.2 and 4.1.1.4 to 4.1.1.8 are acceptable as outer packagings for articles or inner packagings containing dangerous goods transported in accordance with these special provisions, except that inner packagings that are liable to break or be easily punctured, such as those made of glass, porcelain, stoneware or certain plastics materials, etc., shall not be transported in such packagings. The total gross mass of a package shall not exceed 20 kg.

3.4.3 Stowage

Notwithstanding the stowage provisions indicated in the Dangerous Goods List, dangerous goods transported under the provisions of this chapter are allocated stowage category A.

3.4.4 Segregation

3.4.4.1 Different dangerous goods in limited quantities may be packaged in the same outer packaging, provided the segregation provisions of chapter 7.2 are taken into account and the goods will not interact dangerously in the event of leakage.

3.4.4.2 The segregation provisions of chapter 7.2 are not applicable for packagings containing dangerous goods in limited quantities or in relation to other dangerous goods.

3.4.5 Marking and labelling

3.4.5.1 Packages of dangerous goods transported in accordance with the special provisions of this chapter:

- .1 need not be labelled nor bear the marine pollutant mark;
- .2 need not be marked with the Proper Shipping Name of the contents, but shall be marked with the UN Number of the contents (preceded by the letters "UN") placed within a diamond. The width of the line forming the diamond shall be at least 2 mm; the number shall be at least 6 mm high. Where more than one substance assigned to different UN Numbers are included in the package, the diamond shall be large enough to include each relevant UN Number.

3.4.5.2 Cargo transport units containing dangerous goods in only limited quantities need not be placarded. They shall, however, be suitably marked on the exterior as "LIMITED QUANTITIES" or "LTD QTY" not less than 65 mm high in accordance with 5.3.2.4.

[Code of Federal Regulations]

[Title 49, Volume 2]

[Revised as of October 1, 2003]

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[CITE: 49CFR172.315]

[Page 349]

TITLE 49--TRANSPORTATION

CHAPTER I--RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF
TRANSPORTATION

Subpart D Marking

Sec. 172.315 Packages containing limited quantities.

Except as otherwise provided in this subchapter, a package containing a limited quantity of hazardous materials is not required to be marked with the proper shipping name provided it is marked with the identification (ID) number, preceded by the letters "UN" or "NA," as applicable, for the entry as shown in the Sec. 172.101 Table, and placed within a square-on-point border in accordance with the following:

(a) The ID number marking must be durable, legible and of such a size relative to the package as to be readily visible. The width of line forming the square-on-point must be at least 2 mm and the height of the ID number must be at least 6 mm. The marking must be applied on at least one side or one end of the outer packaging.

(b) When two or more hazardous materials with different ID numbers are contained in the package, the packaging must be marked with either individual square-on-points bearing a single ID number, or a single square-on-point large enough to include each applicable ID number.

[68 FR 45030, July 31, 2003]

MALLINCKRODT BAKER, INC.
7001 BYPASS ROAD
PARIS, KY. 40362

10-05-46-02-R-02
F A C L S F

NEW DOT- ANTIMONY COMPOUND, INORGANIC,
SOLID, N. O. S. (ANTIMONY TRIOXIDE)

UN1549

POP: P

EHS #6. 1-04

HZD CLASS-6.1 (TOXIC MATERIAL)

LABEL- 6.1 TOX

PKG GRP- III PACKAGE- 4G

UPS: N

JTB PRODUCT- 0886-04 125G ANTIMONY TRIOXIDE PWD
1 UNIT JT0886-4

LOT# X35591
SDD# 349809

YOUR P. O. #
20919238
P. O. RLSE#
P. O. LINE# 0001
MBI ORDER# 54325-72
CUSTOMER# 067873
5513-10B01-0019
SHIP INSTR:



HIBC PRIMARY- +H4790886042



HIBC SECONDARY- +X35591K

SHIP TO: FMC-FOOD PROCESSING DIV
MANUEL MEKHJIAN
PO BOX A
2300 INDUSTRIAL AVE
MADERA CA
93639

OVNT ASSEMBLY# BILL OF LADING #
079 839 551308
6-328

COPY OF
HAZ LABEL
ATTACHED TO
EACH BOX

MALLINCKRODT BAKER, INC.
7001 BYPASS ROAD
PARIS, KY. 40362

10-07-68-01-L-01
F A C L S F

NEW DOT- CHEMICALS, N. O. S. (NON-REGULATED)

POP: X
EHS # N/A

HZD CLASS-NON-REGULATED

LABEL-

PKG GRP- PACKAGE-

UPS: Y

JTB PRODUCT- 7087-06 18X OCTYL (CB) SPE COLUMN
1 UNIT JT7087-6

LOT# Y03557

YOUR P. O. #
7100195670/16
P. O. RLSE#
P. O. LINE# 0001
MBI ORDER# 54325-70
CUSTOMER# 067858
5513-10B01-0003
SHIP INSTR:



HIBC PRIMARY- +H4797087062



HIBC SECONDARY- +Y03557M

SHIP TO: WAR LEDERLE LABS
DROP POINT BLDG 230
Fong, M x4614 230 -1110
401 MIDDLETOWN RD
PEARL RIVER NY
10965

OVNT ASSEMBLY# BILL OF LADING #
079 839 551302
6-328

COPY OF
NON-HAZ
MATERIAL