



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

AUG 23 2005

Mr. Steven Charles Hunt
ShipMate, Inc.
18436 Hawthorne Blvd, Suite 201
Torrance, CA 90504

Ref No.: 05-0183

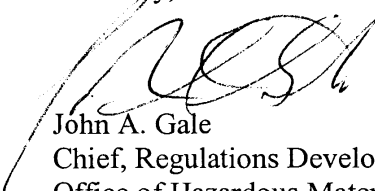
Dear Mr. Hunt:

This responds to your July 30, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a shipper may dual mark a package with both the limited quantity marking and the ORM-D marking, and if so, whether shipping papers are required for surface transportation of that material.

The answer to your question is yes. A package may have multiple markings. A material that is packaged as a limited quantity and is properly classed as ORM-D may display both the ORM-D marking in § 172.316 and the limited quantity marking in § 172.315. Shipping papers are not required domestically for an ORM-D material, except when the material is offered or intended for transportation by air (§ 172.200(b)(3)).

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



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



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172.315
172.316



Eichenlaub
§172.315
§172.316
Marking
05-0183

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July 30, 2005

Mr. Edward T. Mazzullo
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

COPY

Subj: Request for Letter of Interpretation

Dear Mr. Mazzullo:

Steven Charles Hunt, ShipMate, Inc., on behalf of the Petitioner, John Paul Mitchell Systems, 26455 Golden Valley Road, Saugus, CA 91350-2973, is submitting this request.

The Petitioner respectfully requests a letter of interpretation regarding dual marking of limited quantity packages for domestic and international transportation in accordance with both 49 CFR §172.315 and 49 CFR §172.316, and if so, whether shipping papers would be required for surface transport if the packages otherwise conformed to 49 CFR §173.316.

The Petitioner offers a significant number of limited quantities of dangerous goods that are intended for personal care or household use. These packages qualify as consumer commodities, as defined in 49 CFR §171.8, and they are marked in accordance with 49 CFR §173.316 for domestic U.S. transport. However, the shipper must manually remark each package that is intended for export by vessel.


Although the provisions of the International Maritime Dangerous Goods (IMDG) Code, §3.4.5.2 do not require the "hollow diamond" with UN identification number for limited quantities intended for personal care or household use, there is no equivalent exception in the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) which requires limited quantities to be appropriately.

In order to harmonize with the international standards for limited quantities, the Petitioner would like to mark the packages to conform with both 49 CFR §172.315 and 49 CFR §172.316 to eliminate the rework necessary to conform with European shipping standards, and to take advantage of the regulatory relief from shipping papers for domestic surface transport.

Accordingly, the Petitioner requests a written interpretation regarding dual marking and if shipping papers are required for surface transport if the packages otherwise conform to 49 CFR §172.316.

Your assistance in this matter would be most appreciated. If I may be of assistance in any way, please call. We look forward to your response.

Sincerely yours,


Steven Charles Hunt
ShipMate, Inc.

cc: Mr. Robert Magrey, John Paul Mitchell Systems