



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

DEC -5 2005

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

Mr. Kevin M. Callinan
Letexco U.S.
54 Quail Run
Madison, CT 06443

Ref. No. 05-0234

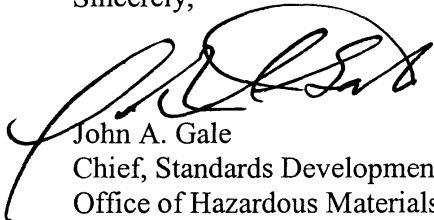
Dear Mr. Callinan:

This is in response to your September 29, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if hazard warning labels required under Belgian regulations, may remain on a package for transportation in the United States. You describe a material that is subject to Belgian regulations but is not subject to the HMR or the International Maritime Dangerous Goods (IMDG) Code.

Section 172.401(c) permits labeling in accordance with the International Civil Aviation Organization's Technical Instructions, IMDG Code, or Canadian Transport of Dangerous Goods Regulations if a material is a hazardous material or a dangerous good under any of these regulations. A package may not display a hazard warning label for transportation in the United States if it contains a material regulated only under Belgian regulations. The hazard warning label must be removed, obliterated or securely covered for transportation in the United States.

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

Sincerely,



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



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172.401
172.402



Leary
§ 172.401
§ 172.402
Labeling
05-0234

Mr. Edward Mazzullo
Director: Office of Hazardous Material Standards

September 29, 2005

Re: Official Interpretation of DOT Reg. 172.401/402

Per the direction of your office, Latexco, NV, is requesting your official interpretation of DOT regulation 172.401/402 that pertains to the shipment of non-hazardous material under hazardous material labeling.

Latexco manufactures latex foam rubber in Belgium and exports several hundred containers per year into the United States under U.S. Customs & Border Protection HTS classifications 4008.11.1000, 4008.11.5000 and 4016.10.0000.

This material is not classified by your organization as hazardous material.

Belgium regulations require a hazardous material label on this material while in Belgium. This is not IMDG regulated material. Identical products manufactured in The Netherlands, Italy, France and Sri Lanka are imported into and transported within the U.S. without hazardous material labeling.

Logistically, the only opportunity to remove these labels from the containers is upon arrival in the U.S. port. Our brokers will take the responsibility to remove the labels upon your written authorization.

We formally request a letter from you stating that goods shipped under these HTS classifications, by Latexco, NV, are not required to be shipped under hazardous material labels and doing so is in violation of DOT regulation 172.401.402.

Please do not hesitate to contact me via phone or email if you require additional information.

Thank you,
Kevin M. Callinan
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54 Quail Run
Madison, CT 06443
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