



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUN 14 2013

Mr. Daniel A. Maham
Director of Safety
Department of the Army
Military Surface Deployment and Distribution Command
1 Soldier Way
Scott AFB, IL 62225-5006

Reference No.: 13-0087

Dear Mr. Maham:

This is in response to your April 22, 2013 letter to the Standards and Rulemaking Division of the Office of Hazardous Materials Safety requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the use of a label to apply the specification markings to a packaging is permitted by § 178.3.

The answer is yes, provided the markings meet all applicable requirements of §§ 178.3 and 178.503.

Section 178.3(a)(3) provides, "The markings must be stamped, embossed, burned, printed or otherwise marked on the packaging to provide adequate accessibility, permanency, contrast, and legibility so as to be readily apparent and understood."

Section 178.503(a) further provides that the markings must be durable, legible and placed in a location and of such a size relative to the packaging as to be readily visible. Except as otherwise provided every reusable packaging liable to undergo a reconditioning process which might obliterate the packaging marks must bear the marks in a permanent form able to withstand the reconditioning process.

The requirements of §§ 178.3(a)(3) and 178.503(a) cited above are performance requirements. While this office does not generally recommend the use of a label to display the specification markings on a packaging that is likely to undergo reconditioning, provided you can ensure compliance with the requirements of §§ 178.3 and 178.503, including, if applicable, the ability to withstand the reconditioning process, a label is an acceptable method to display the packaging specification markings.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division



DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
1 SOLDIER WAY
SCOTT AFB, IL 62225-5006

Babich
§ 178.3
Marking of
Packagings
13-0087

Director, Command Safety Office

April 22, 2011

Standards and Rule Making Division
Pipeline Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
1200 New Jersey Avenue, SE
East Building, 2nd Floor
Washington, DC 20590-0001

To whom it may concern,

In accordance with the provisions of Title 49, CFR, Part 105, Section 105.20, the Department of Defense (DOD) hereby requests an Interpretation of the Hazardous Materials Regulations as outlined below. DOD petitions for a clarification of 49 CFR 178.3 Marking of Packagings, in particular 178.3(a) (3).

File Number: Interpretation 178.3(a) (3) (4-16)
Re: Request Interpretation of 49 CFR 178.3(a) (3) Marking of Packagings
Proponent: Department of Defense (DOD)

The DOD is requesting clarification to the allowed methods in applying UN Specification Markings to packagings tested and certified by the DOD and to ensure compliance with CFR, Part 178, Section 178.3(a) (3).

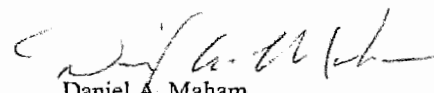
The DOD, as a registered entity with the Department of Transportation, Research and Special Programs Administration, has the authority to test and assign UN Specification Markings to packagings as prescribed in DLAD 4145.41, AR700-143/AFJI 24-210/NAVSUPINST 4030.55B/MCO 4030.40B and as authorized by 49 CFR 173.7.

Certain shippers are questioning the method used by the DOD to apply the markings to packages by using a label. The DOD contends that a label may be used with the appropriate UN Specification Markings if it meets the requirements of 178.3(a)(3) and meets the permanency requirements by ensuring the labels displaying the UN Specification Markings do not peel, fade or in any manner become compromised during transportation.

The DOD respectfully asks that a confirmation be provided where labels may be used to mark DOD tested packagings with the appropriate UN Specification Markings and that hazardous materials offered for transportation by the DOD, under the provision of 49 CFR 173.7, may be reshipped by the shipper to any consignee provided the original packaging has not been damaged or altered in any manner.

My point of contacts for this matter are Mr. Marco Boasso, (618) 220-5040, e-mail marco.boasso.civ@mail.mil and Mr. Elias Cantu, (618) 220-5041, e-mail elias.v.cantu.civ@mail.mil or usarmy.scott.sddc.mbx.omb-for-safety@mail.mil Safety Team, Military Surface Deployment and Distribution Command..

Sincerely,


Daniel A. Maham
Director of Safety