



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

JAN 08 2015

Mr. Brian Burns
WTS, Inc.
435 North 2nd St.
Lewiston, NY 14092

Reference No. 14-0221

Dear Mr. Burns:

This is in response to your November 13, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding identification number marking size requirements. You provide an example proprietary "hazardous waste marking" and ask if it complies with the "UN" identification number size requirements of § 172.301(a).

The proposed "hazardous waste marking" you submitted with your request shows the proper identification number, preceded by the letters "UN", placed on the marking twice. The identification number is provided once in conjunction with other required markings and again in a larger more prominent location elsewhere on the marking.

It is the opinion of this office that the proposed marking you submitted would be in compliance with § 172.301(a)(1). Section 172.301(a)(1) does not specify where the identification number marking must be located on the non-bulk package, nor does it prohibit marking the identification number multiple times. As long as the size requirements of § 172.301(a)(1) and the general display requirements of § 172.304 are met your proposed marking would be compliant with HMR marking requirements. This office does not regulate the content required on an Environmental Protection Agency (EPA) hazardous waste marking. Questions concerning clarification of the marking requirements in 40 CFR 262.32 should be directed to EPA.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

Webb
§ 172.301(a)
Packaging General
14-0221

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Thursday, November 13, 2014 12:37 PM
To: Hazmat Interps
Subject: FW: Letter of Interpretation Request
Attachments: Waste Mark Example.jpg

Shante/Alice,

Please submit this for a formal letter of interpretation. Mr. Burns spoke with Adam Lucas in the HMIC.

Thanks,

Mike

From: Brian Burns [<mailto:BBurns@wtsonline.com>]
Sent: Thursday, November 13, 2014 11:56 AM
To: INFOCNTR (PHMSA); PHMSA HM InfoCenter
Cc: Larry Fura
Subject: Letter of Interpretation Request

Good day – I am requesting a letter of Interpretation on the following submission. Please note that the attachment provided should be considered proprietary and I am also requesting that it (the attachment) not be published with the response.

I have a question regarding the new requirements under 172.301(a) ,specifically the size requirement for the ID number. My company provides Hazardous and Industrial waste management services to a number of clients around the country .Part of our services includes providing shipment paperwork including marks and labels. As you are likely aware the requirement for displaying the proper shipping name and identification number on non-bulk packages is met on a Hazardous Waste “label” or “mark”. My question is with the new size requirement for the ID number, it might not be practical or possible to fit the ID number into the allotted space amongst the proper shipping name. Would the requirement be met if the ID number in the proper size appeared elsewhere on the mark/label as a standalone item ? I have included an example of the current display and what we are proposing to do in order to meet the requirement. Please advise. Thank you.

Brian Burns
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o-716-754-5400
c-716-870-6760
www.wtsonline.com

Goal Zero

Zero Fines || Zero Penalties || Zero Compliance Actions || Zero Insurance Claims || Zero Safety Incidents

Current

HAZARDOUS WASTE
FEDERAL LAW PROHIBITS IMPROPER DISPOSAL
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY
AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

GENERATOR INFORMATION	EPA WASTE CODE(S)
WTS 435 N 2ND STREET LEWISTON, NY 14092 NYD00222080A	D001

RQ UN1993, WASTE FLAMMABLE LIQUIDS, N.O.S. (ACETONE) 3, PG
II (D001)

MANIFEST TRACKING NO	ACCUMULATION START DATE	APPROVAL CODE
123456789JK		

HAZARDOUS WASTE - HANDLE WITH CARE

Proposed

HAZARDOUS WASTE
FEDERAL LAW PROHIBITS IMPROPER DISPOSAL
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY
AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

UN1993

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HAZARDOUS WASTE - HANDLE WITH CARE