



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**APR 28 2017**

Mr. Eric Fishman  
220 Laboratories  
2375 3rd Street  
Riverside, CA 92507

Reference No. 16-0184

Dear Mr. Fishman:

This letter is in response to your November 3, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking of Department of Transportation (DOT) specification packagings. Specifically, you ask if it is permissible for the specification marking and "M number" to be covered by an opaque label that can be removed easily during a DOT investigation.

The answer is no. In accordance with § 178.3(a)(1), the markings on a packaging must be in an unobstructed area, with letters and numerals identifying the standards or specification of the packaging. In addition, § 178.3(a)(3) states "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." It is the opinion of this Office that covering the specification marking and "M number" with an opaque label would not meet the aforementioned requirements.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Goodall, Shante CTR (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, November 03, 2016 4:35 PM  
**To:** Hazmat Interps  
**Subject:** FW: DOT and 220 Laboratories

Walcott  
1178  
Packaging Spec.  
16-0184

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Mr. Fishman.

Please let me know if you have any questions.

Thanks,  
Jordan

**From:** Eric Fishman [mailto:EFishman@220Labs.com]  
**Sent:** Thursday, November 03, 2016 4:33 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** RE: DOT and 220 Laboratories

Thank you Jordan,

As requested, our mailing address is:

2375 3<sup>rd</sup> St.  
Riverside, CA 92507

Eric Fishman  
220 Laboratories (951) 683-2912

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**From:** INFOCNTR (PHMSA) [mailto:INFOCNTR.INFOCNTR@dot.gov]  
**Sent:** Thursday, November 3, 2016 1:25 PM  
**To:** Eric Fishman <EFishman@220Labs.com>  
**Subject:** RE: DOT and 220 Laboratories

Dear Eric,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

Please allow a minimum of 8 weeks before contacting the Office of Hazardous Materials Standards (OHMS) for a status on written letters of interpretations. Delivery time of a written interpretation can vary markedly based on topic complexity and the depth of review necessary by OHMS Divisions and modal administrations (e.g., FAA) to ensure an appropriate response.

Sincerely,

Jordan, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

**From:** Eric Fishman [mailto:EFishman@220Labs.com]

**Sent:** Thursday, November 03, 2016 11:38 AM

**To:** PHMSA HM InfoCenter

**Cc:** Mike Herzog

**Subject:** DOT and 220 Laboratories

Hello, I work at an aerosol manufacturing facility and have a question regarding the can pressure rating and the can manufacturer's M number that are required to be printed on the can. Is it acceptable to the DOT if the marking was screened in the middle of the can so that when an opaque label is applied it covers it?

If the DOT needed to see the number during an investigation, they could simply peel back the label to see the numbers. As far as I understand, the DOT uses these numbers as a reference if they conduct an investigation. They are not intended for the consumer to reference and the transporter references other markings when shipping, such as ORMD, Ltd. Qty. etc.

The reason I ask is because some of our Customers have asked us to orient the cans so that the dot marking at the bottom of the can always faces the back of the label (picture attached) and that orientation work slows down our production line a lot. If the mark was under the label, we would not have to orient the can.

I'm asking for a formal letter of interpretation and I appreciate your feedback! Thank you,

Eric Fishman

220 Laboratories (951) 683-2912

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## SIGNATURE COLLECTION

Pink Cashmere Whipped Shimmer Body Mousse  
Pink Jasmine Petals, White Amber and Cashmere Mousse  
Mousse pour le corps fouettée scintillante  
Cashemire rosé  
Pétales de jasmin roses, ambre blanc et musc de cachemire  
Mousse batida corporal con brillo Cashemir rosa  
Pétales de jazmin rosa, ámbar blanco y  
almizcle de cachemir

موسم وردی  
موسم الجسم المخفوقة  
موسم الجسم وردی، کهرمان ابیض، مسک کشمیر

INGREDIENTS: Water (Aqua, Eau), PEG-8 Stearate, Butylene Glycol, Sorbitol, Stearate, Isobutane, C11-15 Pareth-12, Propane, Fragrance (Parfum), Triethanolamine, Panthenol, Prunus Amygdalus Dulcis (Sweet Almond) Oil, Theobroma Cacao (Cocoa) Seed Butter, Cetearyl Alcohol, Glycerin, Caprylic Glycol, Cetyl Alcohol, Xanthan Gum, Caprylyl Glycol, Sodium Hydroxide, Cetearyl Glycol, Ethylhexylglycerin, Hexylene Glycol, Sodium PCA, Disodium EDTA, Glyceryl Stearate, Acrylic Acid Copolymer, PVM/MA Copolymer, Cyclopentasiloxane, Dimethoxyethane, Limonene, Hydroxyisohexyl 3-Cyclohexene Carboxylate, Hydroxyethylcellulose, Benzyl Salicylate, Hexyl Cinnamal, Mica, Titanium Dioxide (CI 77891), Red 33 (CI 17200), Yellow 5 (CI 19140).

**WARNING:** Contents under pressure. Do not place in hot water or near radiators, stoves or other sources of heat. Do not puncture or incinerate container or store at temperatures above 50°C (120°F).

**AVERTISSEMENT:** Contenu sous pression. Ne pas mettre dans l'eau chaude ni près des radiateurs, poêles ou autres sources de chaleur. Ne pas percer le contenant ni le stocker à des températures dépassant 50°C (120°F).

**ADVERTENCIA:** Contenido a presión. No colocar en agua caliente o cerca de radiadores, estufas u otras fuentes de calor. No perforar ni incinerar el envase ni guardarlo a temperaturas superiores a 50°C (120°F).

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