



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

DEC 3 2009

Mr. Prokopis Christou, PE, CHMM  
Corporate Environmental, Health & Safety Department  
Benjamin Moore & Co.  
360 Route 206  
Flanders, NJ 07836

Ref. No. 09-0257

Dear Mr. Christou:

This responds to your October 29, 2009 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if packaging marked with Special Permit Numbers DOT SP 12749 and DOT SP 13052 pertaining to UN 11G fiberboard intermediate bulk containers (IBCs) may be used to transport non-hazardous materials.

The answer is yes. The prohibited marking requirements in § 172.303 of the HMR do not require removal or obliteration of the special permit number from the packaging, even when the packaging is not being used under the terms of the special permit. However, in order to minimize confusion or frustration of the shipment, you may wish to cover or obliterate the special permit number markings when the packaging is not being used under the terms of the special permit.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact this Office.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards

Boothe  
§ 172.101  
§ 172.301  
Applicability  
09-0257

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, October 29, 2009 9:30 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Use of packages with DOT Special Permit numbers for not regulated materials.

**From:** Christou, Prokopis [mailto:Prokopis.Christou@Benjaminmoore.com]  
**Sent:** Wednesday, October 28, 2009 4:33 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Use of packages with DOT Special Permit numbers for not regulated materials.

Hi.

We would like a written an interpretation regarding the use of packaging that is marked with a Special Permit numbers DOT SP 12749 and DOT SP 13052 for use with not regulated materials. These special permits pertain to UN 11G fiberboard intermediate bulk container (IBC).

Do the hazardous material regulations (HMR) prohibit the use of the IBC in question bearing the DOT special permit numbers for use and shipment of materials that are not regulated as hazardous materials?

Do the HMR require the obliteration of the Special Permit numbers on the IBC if it is used to ship materials that are not regulated as hazardous materials.

Thanks in advance for your help

Best regards,

...*Prokopis*

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