



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

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

SEP 9 2010

Mr. Bradley J. Slater
Director of Safety
Empire Airlines, Inc.
11559 N. Atlas Road
Hayden, Idaho 83835

Ref. No. 10-0160

Dear Mr. Slater:

This responds to your July 23, 2010 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the edges of hazardous materials warning labels may overlap with adjacent labels so long as all of the text, symbols, and borders of each label remain clearly visible and distinct.

In accordance with § 172.406, labels must be clearly visible and may not be obscured by markings or attachments. Labels may not cover or overlap one another. When multiple labels are required under § 172.406(c), they must be placed next to each other. Placement of multiple labels conforms to this requirement if labels are within 150 mm (6 inches) of one another. In addition, labels must also conform to label specifications in § 172.407.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is written in a cursive, flowing style.

Ben Supko
Acting Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

Boothe
§ 172.406(f)
Labeling
10-0160

From: INFOCNTR (PHMSA)
Sent: Monday, July 26, 2010 8:07 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Interpretations (Letters) Issued by PHMSA

Carolyn,
Below is another formal request for written interpretation of the regulations.
Thanks,
Rob

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Friday, July 23, 2010 6:21 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Interpretations (Letters) Issued by PHMSA

Greetings:

I would like to request interpretation of 172.406(f) regarding obscuration of labels. Our company accepts HazMat packages for air transportation. We have had a number of questions regarding overlapping labels and markings on packages presented for shipment. We want to ensure full compliance with the HMR, but we also do not want to reject any packages unnecessarily. Specific questions are as follows:

1. Can the edges of required labels overlap with adjacent labels so long as all of the text, symbols, and borders of each label remain clearly visible and distinct?
2. Does it make any difference whether the overlapping labels are of the same or different background colors?
3. If the label does not have a dotted or solid line border [172.406(d)] how can acceptable overlap (if any) be determined?
4. If a label is printed with a solid or dotted line border, is there a minimum distance between this line and the solid or dotted line border of an adjacent or overlapping label? [172.407(c)]

Thank you for clarifying this matter.

Sincerely,

Bradley J. Slater
Director of Safety
Empire Airlines, Inc.

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