



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

DEC 14 2011

Mr. Jerry Cook
Chemical Products Corporation
102 Old Mill Road, SE
Cartersville, GA 30120

Ref. No. 11-0224

Dear Mr. Cook:

This responds to your September 9, 2011 request for clarification of marking in § 178.703 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you propose to use a clear plastic document pouch attached to the upper horizontal sewn seam on the bags by stitching. Your intent is to place the marking and labeling in the clear plastic pouch so that it is facing outward when the pouch is hanging from its sewn attachment to the upper horizontal seam on the bag, and to place the UN performance packaging marking in the same clear plastic pouch facing inward toward the bag surface until the pouch is lifted and rotated upward at which time the UN performance packaging marking would be facing outward. If necessary, you would print "see back" or "UN performance packaging marking on back" on the sheet containing the marking and labeling information. You ask for confirmation that this method of attachment meets the "mark every IBC in a durable and clearly visible manner" requirement under § 178.703.

The answer is no. The markings prescribed in § 178.703 must be stamped, embossed, burned, printed, or otherwise marked on the packaging itself (§ 178.3(a)(3)). Therefore, the method of marking a flexible IBC that you describe does not comply with the "mark every IBC in a durable and clearly visible manner" requirement in § 178.703.

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

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

fw

Drakeford, Carolyn (PHMSA)

Boothe
§178.703
Marking of IBC's
11-0225

From: INFOCNTR (PHMSA)
Sent: Friday, September 09, 2011 3:52 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Highway (Sections 177.800 & 177.870)

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

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

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Thursday, September 08, 2011 4:21 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Highway (Sections 177.800 & 177.870)

Regarding 49 CFR 178.703 Marking of a flexible IBC - sewn fabric bag.

We purchased bags which we had not originally intended to use for packaging a hazardous solid, but which we now wish to use as hazardous material packaging. The manufacturer has performed the required testing and has supplied us with 8 1/2 inch by 11 inch tyvec sheets printed with the appropriate marking for each IBC. We must attach one of these sheets to each bag.

We ask for confirmation that the method of attachment we plan to use meets the "Mark every IBC in a durable and clearly visible manner." requirement of 178.703.

The bags in question have a clear plastic document pouch attached to the upper horizontal sewn seam on the bags by stitching. This pouch is sized to hold a 8 1/2 inch by 11 inch sheet - this clear plastic pouch is identical to the pouch on other hazmat IBC bags which we purchase for hazmat transport; on those bags we use this clear plastic pouch to hold the Hazardous material marking and labeling information required under 172.304 and 172.407.

Our intent is to place the Hazardous material marking and labeling in the clear plastic pouch so that it is facing outward when the pouch is hanging from its sewn attachment to the upper horizontal seam on the bag, and to place the UN performance packaging marking in the same clear plastic pouch facing inward toward the bag surface until the pouch is lifted and rotated upward at which time the UN performance packaging marking would be facing outward.

If necessary, we can print "See back" or "UN performance packaging marking on back" on the sheet containing the Hazardous material marking and labeling information.

Please contact me at jcook@cpc-us.com if you need further information before responding.

Thank you,
Jerry Cook

Name: Jerry A. Cook
Organization: Chemical Products Corporation
Email: jcook@cpc-us.com
Address: 102 Old Mill Road SE
City: Cartersville
Zip Code: 30120
Phone: 770-382-2144 Ext. 272
FAX: 770-386-6053