



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

APR 12 2012

Mr. Kerry McMahon
Sea-Land Chemical Co.
821 Westpoint Parkway
Westlake, OH 44145

Ref. No.: 11-0294

Dear Mr. McMahon:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR, Parts 171-180) applicable to the placement of labels. Your questions are paraphrased and answered as follows:

Q1. What does the word “near” mean in regards to the requirement in § 172.406 to place a hazard label “near the proper shipping name marking”?

A1. As specified in § 172.406, each label required must be printed on or affixed to a surface (other than the bottom) of the package or containment device containing the hazardous material, and be located on the same surface of the package and near the proper shipping name marking, if the package dimensions are adequate. Additionally, a label must be clearly visible and may not be obscured by markings or attachments. The HMR does not specifically define “near” with respect to § 172.406; however, current reference materials define “near” as “adjacent.”

Q2. On a drum, is it permissible to have the proper shipping name marking on the opposite side of the hazard label?

A2. The answer is generally no, as the label must be located on the same surface of the package and near the proper shipping name marking, if the package dimensions are adequate. The intent of § 172.406(a)(1)(ii) is for labels and markings to be near each other, and a drum’s dimensions should be adequate to achieve that objective.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

McIntyre
§172.406
Labeling
11-0294

From: INFOCNTR (PHMSA)
Sent: Friday, November 18, 2011 4:17 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for formal Letter of Interpretation

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

From: Kerry McMahon [<mailto:kerry.mcmahon@sealandchem.com>]
Sent: Friday, November 18, 2011 3:31 PM
To: INFOCNTR (PHMSA)
Subject: Request for formal Letter of Interpretation

Good Afternoon,

Following up on my conversation with Andrew, I'd like to request a formal Letter of Interpretation regarding what DOT means by "near" in regards to the requirement in 172.406 to place a hazard label "near the proper shipping name marking." I've seen an interpretation stating that "next to" equals within six inches for placing a subsidiary label next to a primary label. Similar guidance for "near" would be helpful.

A related question regards the requirement in 172.406 to place a hazard label "on the same surface of the package as the proper shipping name marking" as this relates to a drum. Is it permissible to have the proper shipping name marking on the opposite side of a drum from the hazard label?

Thank you for your time and consideration.

Sincerely,

Kerry McMahon
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Westlake, OH 44145
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