



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**MAY 09 2012**

Mr. William Briner  
670 Grey Oaks Dr.  
Weldon Spring, MI 63304-5743

Ref. No. 12-0059

Dear Mr. Briner:

This responds to your February 22, 2012 email regarding changes made to the marking and labeling requirements for intermediate bulk containers (IBCs) in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) by a final rule published on July 20, 2011 (HM-218F; 76 FR 43510). You request clarification of the marking and labeling requirements under both the HMR and the International Maritime Dangerous Goods (IMDG) Code for an IBC under the following scenario: (1) it has a capacity less than 64 ft<sup>3</sup>; (2) it contains “UN3082, environmentally hazardous substance, liquid, n.o.s., 9, PG III, RQ (2,4-D salt);” and (3) it is labeled instead of placarded.

With regard to the changes made to the marking and labeling requirements under HM-218F, two distinct issues were proposed and adopted. First, language was added to § 172.336 in new paragraph (d), in response to petition for rulemaking P-1392 to allow for smaller display of the identification number on certain types of bulk packaging (e.g., an IBC) consistent with the placard to label exception for the same group of bulk packagings, which allows for smaller display of the hazard. This relief provided under § 172.336(d) allows for the display of the identification number in the same manner as for non-bulk packaging, i.e., there is no minimum size requirement for the marking. Second, language was revised in § 172.514(c)(4), to harmonize with the IMDG Code, to allow for display of the proper shipping name (PSN) and identification number in place of the identification number on an orange panel or a placard (or a white square-on-point) when an IBC is labeled instead of placarded. The language was revised to provide relief to shippers that have limited space available on steel cage IBCs for purposes of displaying hazard communication. These are two separate conditional provisions that provide relief from marking requirements and thus, do not necessitate uniformity.

For the scenario you provide, and under the HMR, when labeling in lieu of placarding, the general labeling provisions require that you display only one Class 9 label because the IBC has a capacity less than 64 ft<sup>3</sup>. See §§ 172.400(a) and 172.406(e). We note, however, that you may permissively display additional labels. Based on the above clarification of the intent of final rule HM-218F, if you choose to use the relief provided in § 172.514(c)(4), you may mark the IBC with the PSN “environmentally hazardous substance, liquid, n.o.s.” and the identification number “UN3082” in place of the identification number “3082” on an orange panel, a placard, or a white square-on-point.

As a condition of this relief, the markings must be in accordance with the size requirements of § 172.302(b)(2). The relief provided in § 172.336(d) would not apply.

The IMDG Code marking and labeling provisions require that you mark the IBC with the proper shipping name “environmentally hazardous substance, liquid, n.o.s.” and the identification number “UN3082,” and display a Class 9 label. Regarding your scenario, an IBC less than 64 ft<sup>3</sup> must be marked and labeled on two opposing sides. There is no minimum size for the markings other than a general requirement to be visible and legible. See IMDG Code 5.2.1.1 through 5.2.1.4 and 5.2.2.1.7.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Supko". The signature is written in a cursive style with a long horizontal stroke extending to the right.

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

**Drakeford, Carolyn (PHMSA)**

Der Kinderen  
§ 172.101  
§ 172.514

**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, February 22, 2012 2:43 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Marking and labeling of an IBC

Applicability  
12-0059

Hi Carolyn,

Mr. Briner requested that this e-mail be submitted as a formal letter of interpretation.

Thanks,  
Victoria

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

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**From:** Bill Briner [mailto:wjbrin@yahoo.com]  
**Sent:** Wednesday, February 22, 2012 11:30 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Marking and labeling of an IBC

There seem to be conflicting rules concerning the labeling and marking of an IBC.

If a small IBC (less than 64 cu. ft. capacity) is labeled instead of placarded, it appears that the proper shipping name and the identification number must be displayed on two opposing sides in one inch high letters and numbers (per 172.514(c)(4); 172.302(a)(2); and 172.302(b)(2)).

It also appears that labels must be displayed on two opposing sides (per 172.514(c); and the reference to labeling IBCs on two opposite sides on page 43514 of the July 20, 2011 Federal Register).

However, 172.406(e)(6) indicates that duplicate labeling is only required on an IBC having a volume of 1.8 m<sup>3</sup> (64 cubic feet) or more, which appears to be in conflict with the preamble to HM-218F.

Other paragraph references relating to IBC hazard communication requirements are 172.504(f)(9), 172.336(d) and 172.301(a).

It appears to me that a case can be made for one label on an IBC (172.406(e)(6)) or two labels (172.514(c) and the HM-218F preamble); 1" high letters (172.302(b)(2)) or no minimum size letters (the reference in 172.336(d) to 172.301(a)(1)); the proper shipping name and identification number on one side (the reference in 172.336(d) to 172.301(a)(1)); or two opposing sides (172.514(c)(4)).

Please indicate the marking and labeling requirements under both the DOT/HMR and the IMDG Code for an IBC (1) with a capacity of less than 64 cubic feet; (2) containing "UN3082, Environmentally hazardous substance, liquid, n.o.s., 9, PG III, RQ (2,4-D Salt)"; and (3) which is marked and labeled instead of placarded in accordance with 172.514(c)(4) and 172.336(d) (i.e., when neither orange panels nor placards are used).

Thank you for providing a clarification for these requirements.

Sincerely,

William Briner  
(636) 300-1731

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§ 172.302 General marking requirements for bulk packagings.

(a) *Identification numbers.* Except as otherwise provided in this subpart, no person may offer for transportation or transport a hazardous material in a bulk packaging unless the packaging is marked as required by §172.332 with the identification number specified for the material in the §172.101 table—

- (1) On each side and each end, if the packaging has a capacity of 3,785 L (1,000 gallons) or more;
- (2) On two opposing sides, if the packaging has a capacity of less than 3,785 L (1,000 gallons);

....

172.514(c) Exceptions. The following packagings may be placarded on only two opposite sides or, alternatively, may be labeled instead of placarded in accordance with subpart E of this part:

172.514(c)(4) - An IBC. For an IBC labeled in accordance with subpart E of this part instead of placarded, the IBC may display the **proper shipping name and UN identification number** in accordance with the size requirements of §172.302(b)(2) in place of the UN number on an orange panel or placard.

172.302(b) *Size of markings.* Except as otherwise provided, markings required by this subpart on bulk packagings must—

....

(2) Have a width of at least 4.0 mm (0.16 inch) and a height of at least 25 mm (**one inch**) for portable tanks with capacities of less than 3,785 L (1,000 gallons) and IBCs;

172.336(d) When a bulk packaging is labeled instead of placarded in accordance with §172.514(c) of this subchapter, identification number markings may be displayed on the package in accordance with the marking requirements of §172.301(a)(1) of this subchapter.

172.301(a) *Proper shipping name and identification number.* (1) Except as otherwise provided by this subchapter, each person who offers a hazardous material for transportation in a non-bulk packaging must mark the package with the proper shipping name and identification number (preceded by "UN", "NA" or "ID," as appropriate) for the material as shown in the §172.101 Table.

172.406(e) *Duplicate labeling.* Generally, only one of each different required label must be displayed on a package. However, duplicate labels must be displayed on at least two sides or two ends (other than the bottom) of—

....

(6) An IBC having a volume of 1.8 m<sup>3</sup> (64 cubic feet) or more.

172.504(f)(9) For Class 9, a CLASS 9 placard is not required for domestic transportation, including that portion of international transportation, defined in §171.8 of this subchapter, which occurs within the United States. However, a bulk packaging must be marked with the appropriate identification number on a CLASS 9 placard, an orange panel, or a white square-on-point display configuration as required by subpart D of this part.