



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

NOV 15 2012

Scott Fleming
Akrochem Corporation
255 Fountain Street
Akron, Ohio 44304

Reference No.: 12-0110

Dear Mr. Fleming:

This responds to your May 9, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the labeling and marking requirements for a Division 6.1, Packing Group (PG) I material that your company imports. You state your supplier intends to place this material in a plastic bag, mark the bag with the required HMR labels and markings, and then place the bag into a United Nations (UN) 5H4 clear, non-bulk plastic bag that meets the UN specification requirements for a Division 6.1, PG I package. You ask if the HMR permit a shipper to place the UN identification number, proper shipping name, label, and marine pollutant marking on the non-specification interior bag provided this information is clearly visible through the outer UN 5H4 bag.

The answer is no. The HMR require hazard communications markings and labels to be placed on each non-bulk package before it is offered for transportation in commerce (see §§ 172.300(a) and (b), and 172.400(a)). Section 171.8 defines a package as a packaging plus its contents. It is the opinion of this Office that a complete hazardous materials package is one that complies with the HMR in such a manner that does not permit the release of any hazardous material it contains and meets all other criteria necessary to be acceptable in transportation under the HMR. However, permissive labeling and marking prescribed in 49 CFR Part 172 are allowed on hazardous materials packagings, such as inner packagings, provided the labels and markings used represent the hazards presented by the material (see §§ 172.303, 172.401(a)(1) and (a)(2)). This Office does not recommend this practice as it may result in confusion that could frustrate the movement of this packaging as carriers attempt to determine whether the packaging is authorized in

transportation. Also, please note that the HMR permit solid PG II and III, Division 6.1 materials to be shipped in UN 5H4 plastic film bags, but do not permit PG I, Division 6.1 materials to be placed in these packagings (see §§ 173.212 and 173.213). Non-bulk packagings of solid Division 6.1, PG I materials must conform to the requirements prescribed in § 173.211.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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

Drakeford, Carolyn (PHMSA)

*Andrews
3/12/10
Applicability
12-CRC*

From: Kelley, Shane (PHMSA)
Sent: Wednesday, May 09, 2012 11:23 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Billings, Delmer (PHMSA); Betts, Charles (PHMSA)
Subject: FW: Packaging, Label & Marking

Carolyn,

Please log this in as an interp request. Thanks!

Shane C. Kelley
Senior International Transportation Specialist
Office of Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
Voice: 202-366-4359
FAX: 202-366-5713

From: Scott Fleming [<mailto:scottfleming@akrochem.com>]
Sent: Wednesday, May 09, 2012 9:48 AM
To: Kelley, Shane (PHMSA)
Subject: Packaging, Label & Marking

Shane,

We are looking to import a product that is a 6.1, PGI. The supplier is planning on marking the bag with all of the proper labels and markings, but place this bag into a clear plastic bag that meets the UN specification for a 6.1, PGI [single] package.

Is it OK to have the UN number, PSN, Label and MP marking on the interior bag(that is not a UN spec package) but shows through the plastic UN spec clear plastic bag(plastic bag has UN marking). Thank you

Scott A. Fleming
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