



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

DEC 20 2012

Mr. Bob Cogen
ADG Compliance Manager
United Parcel Service
9406 Grade Lane
Louisville, KY 40213

Ref. No.: 12-0146

Dear Mr. Cogen:

This responds to your July 3, 2012 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to limited quantity marking and labeling requirements. In your letter, you provide a picture of a limited quantity package with obscured markings and labels. Your questions are paraphrased and answered as follows:

- Q1. Is it permissible for a proper shipping name (PSN) and identification number (ID Number) to appear on a limited quantity package offered for transportation and transported by surface modes?
- A1. The answer is yes, provided the PSN and ID Number are representative of the packaged hazardous material, and they meet the applicable requirements of 49 CFR Part 172, Subpart D. In accordance with § 172.315(a), a package prepared in accordance with applicable limited quantity requirements in part 173 of the HMR, and offered for transportation by a mode other than air, must display the limited quantity marking shown in paragraph (a)(1) of § 172.315. A package displaying this mark is not subject to the marking requirements of § 172.301 unless the limited quantity package also contains a hazardous substance or a hazardous waste. Required markings need not be duplicated if already marked as prescribed elsewhere in the subpart. As an alternative, a packaging may display the limited quantity "Y" mark shown in paragraph (b) of § 172.315 if the package conforms to authorized substance and article provisions and the inner and outer package quantity limits prescribed in § 173.27(f).

Alternatively, in accordance with § 172.315(d), except for transportation by aircraft and until December 31, 2013, a package containing a limited quantity may continue to be marked in accordance with the requirements of § 172.315 in effect on October 1, 2010 (i.e., square-on-point with ID Number). For transportation by aircraft and until December 31, 2012, a package containing a limited quantity may

continue to be marked in accordance with the requirements of § 172.315 in effect on October 1, 2010 (i.e., square-on-point with ID Number) as an alternative to the marking required by paragraph (b) of § 172.315.

Q2. Is it permissible to display a hazard label on a limited quantity package offered for transportation and transported by surface modes?

A2. The answer is yes, provided the label meets the applicable requirements of 49 CFR Part 172, Subpart E. No person may offer for transportation and no carrier may transport a package bearing a label, unless the package contains a hazardous material and the label represents the hazard of the material contained in the package.

Q3. If a shipper offers a package to a carrier displaying a limited quantity marking applied in a manner that partially covers a PSN, is it the carrier's responsibility to reject the package? (Please see the attached picture.)

A3. The answer is yes, unless the shipper or carrier obliterates, removes, or securely covers the obscured marking as required by §§ 172.303 and 172.304.

Q4. If a shipper offers a package to a carrier displaying a limited quantity marking applied in a manner that partially covers a hazard label, is it the carrier's responsibility to reject the package? (Please see the attached picture.)

A4. The answer is yes, unless the shipper or carrier obliterates, removes, or securely covers the obscured label as required by §§ 172.303 and 172.304.

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 fluid and cursive, with a long horizontal stroke extending to the right.

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

Stevens
§ 172.315(a) & (d)
Marking of Limited Quantity
12-0146

Hazardous Material Information Center
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Subject: HM-215K Marking Requirements

To Whom It May Concern:

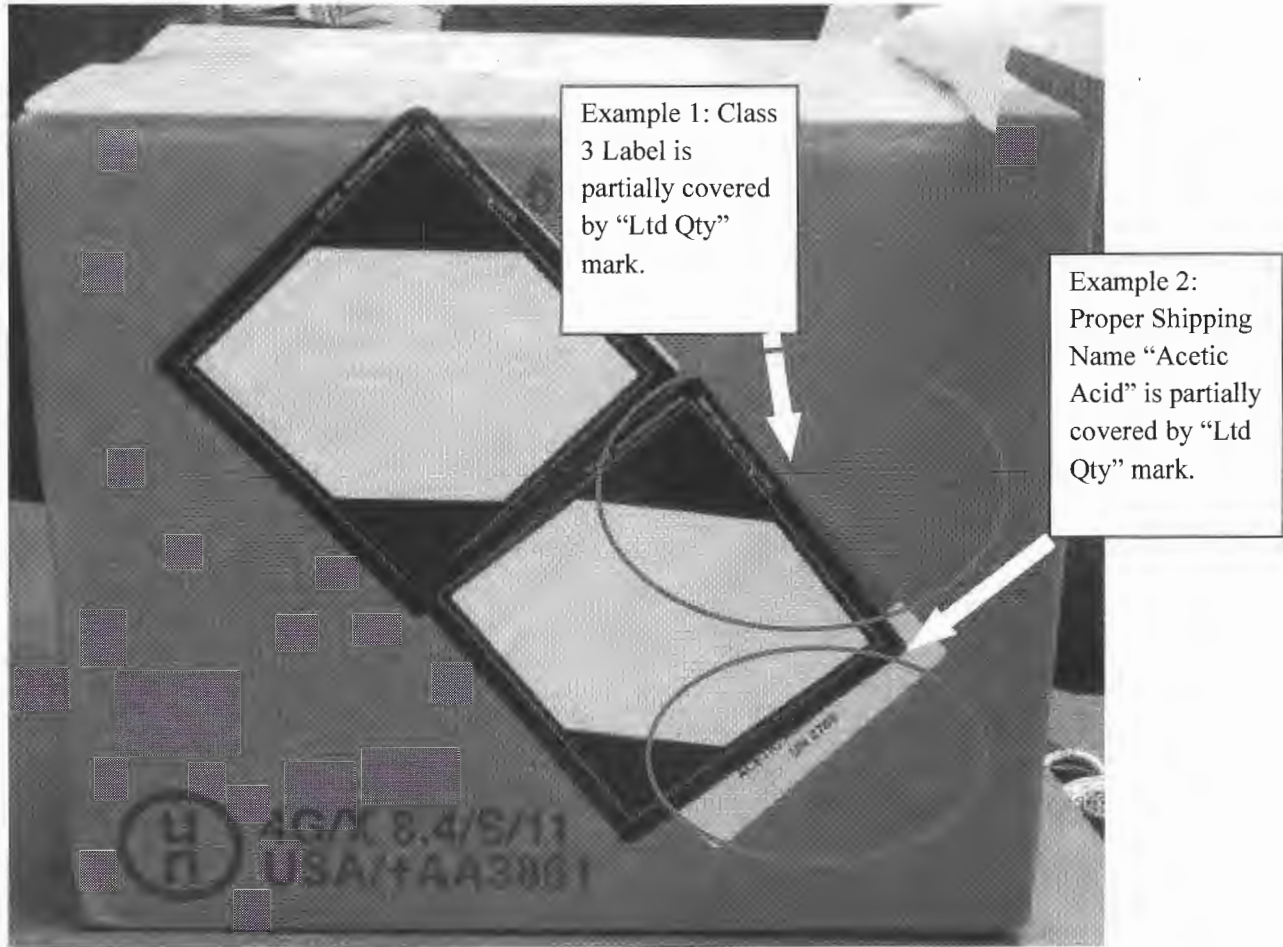
I am writing to request clarification on marking requirements for Limited Quantity packages being transported on the ground.

1. Is it allowed for a Proper Shipping Name and UN number to appear on a ground limited quantity package, for which there is no requirement for shipping papers because it is marked with one of the limited quantity marks authorized under 172.315(a) and (d)?
2. Is it allowed for a hazard label to appear on a ground limited quantity package referred to in point (1) above?
3. According to 172.315(a), properly marked limited quantity packages are not subject to the marking requirements of 172.301 (i.e. Proper Shipping Name and UN Number) when they are properly marked as a limited quantity. Is there ever a situation in which a carrier is required to check packages for the proper application of Proper Shipping Name and UN Identification number markings if they appear on a ground package marked as a limited quantity and offered without shipping papers? Specifically, if a shipper offers a package (without shipping papers) that has a Limited Quantity mark applied in a manner that partially covers a proper shipping name, is it the carrier responsible to reject the package based on non-compliance with 172.304(a)(3)?
4. The HMR provide labeling exceptions for limited quantity ground packages in classes (2, 3, 4, 6, 8, and 9). Is a carrier required to check packages for the proper application of Hazard Labels if they appear on a ground package marked as a limited quantity? Specifically, if a shipper offers a package that has a Limited Quantity mark applied in a manner that partially covers a hazard label, is the carrier responsible to reject the package based on non-compliance with 172.406(f)?

(Please see example on the following page)

Example 1: A Limited Quantity mark is placed over a Class 3 hazard label.

Example 2: A Limited Quantity mark is placed over a Proper Shipping Name.



Thank you in advance for your assistance.

Sincerely,

Bob Cogen
ADG Compliance Manager/ UPS
9406 Grade Lane
Louisville, KY 40213