



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

OCT 01 2012

Mr. Eric Clifford
Homax Group, Inc.
7711 E Pleasant Valley Road
Independence, OH 44131-5532

Ref. No. 12-0177

Dear Mr. Clifford:

This responds to your August 14, 2012 email requesting clarification of the limited quantity marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your email, you describe two marking scenarios for a preprinted 6 in. x 6 in. box, intended to be shipped by ground, and you provide pictures illustrating the scenarios as follows: 1) the box is marked with a 50 mm x 50 mm square-on-point limited quantity marking; and 2) the box is marked with a 100 mm x 100 mm square-on-point limited quantity marking. You indicate that the 100 mm x 100 mm size requirement in § 172.315(a) fits on one side of the box but does not allow room for additional information (e.g., a bar code) in pre-printed form in association with the limited quantity marking. You assert that having to pre-print information on multiple sides incurs costs greater than those previously incurred under the requirements for marking of consumer commodity, ORM-D, which accommodated the additional information (because there was no minimum size requirement for the ORM-D marking). Specifically, you ask whether marking the box under scenario 1 would be “non-compliant” and whether marking under scenario 2 would be required.

Section 172.315(a) of the HMR requires the limited quantity marking to be durable, legible, and of a size relative to the package that is readily visible and that the dimensions of the square-on-point marking must be 100 mm on each side unless the package size requires a reduced size marking (which, then must be no less than 50 mm on each side). After having reviewed the pictures accompanying your email, we have concluded that in both scenarios the marking placed on the box appears to satisfy the “readily visible” standard. Therefore, it is our opinion that the marking size may be reduced to less than the 100 mm per side standard (but not less than 50 mm) to the extent necessary to accommodate pre-printing of the additional information needed with the limited quantity marking.

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

Sincerely,

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division

Der Kinderen
§172.315
Marking of Limited Quantities

Drakeford, Carolyn (PHMSA)

From: Eckenrode, Andrew.CTR (PHMSA) on behalf of INFOCNTR (PHMSA)
Sent: Wednesday, August 15, 2012 8:58 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Official request for interpretation

12-0177

Carolyn,

We received the following request for a letter of interpretation.

Thanks,
Andrew

From: Eric Clifford [<mailto:ecclifford@homaxproducts.com>]
Sent: Tuesday, August 14, 2012 4:51 PM
To: PHMSA HM InfoCenter
Subject: Official request for interpretation

I would like to make an official request for interpretation to obtain answers to the scenarios illustrated below regarding 49 CFR 172.315, in particular, regarding the size of the Limited Quantity marking requirement for a "small" package. The 2 questions are below and in reference to scenario 1 and scenario 2.

If the official ruling to the circumstance is that scenario 1 is not compliant, please know the reason for asking is due to the impact of increased cost if requires scenario 2 to comply, although feel scenario 1's marking size is relative to the size of the package and readily visible. The reason for scenario 2's increased cost would be due to the inability to not have shared information, such as a part number or bar code, pre-printed with the Limited Quantity marking on one panel as formerly was allowed with the Consumer Commodity, ORM-D marking.

49 CFR 172.315 Limited quantities.

(a) (2) The square-on-point must be durable, legible and of a size relative to the packaging, readily visible, and must be applied on at least one side or one end of the outer packaging. The width of the border forming the square-on-point must be at least 2 mm and the minimum dimension of each side must be 100 mm unless the packaging size requires a reduced size marking that must be no less than 50 mm on each side. When intended for transportation by vessel, a cargo transport unit (see §176.2 of this subchapter) containing packages of hazardous materials in only limited quantities must be marked once on each side and once on each end of the exterior of the unit with an identical mark which must have minimum dimensions of 250 mm on each side.

According to 49 CFR 172.315, would **scenario 1 below be non-compliant? Would scenario 2 be mandated?**

Scenario 1 – compliant yes or no?

Small box (6" x 6 ¼") pre-printed with a 50 mm x 50 mm Limited Quantity marking for a hazardous material allowed to ship via ground as a Limited Quantity



Scenario 2 –mandated to use a 100 mm x 100 mm Limited Quantity marking because it fits yes or no?

Same small box (6" x 6 1/4") pre-printed with a 100 mm x 100 mm Limited Quantity marking for a hazardous material allowed to ship via ground as a Limited Quantity



Thank you,

Eric Clifford
Regulatory Compliance Manager
Homax Group, Inc.
Ph: 216-642-3518