



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

NOV 30 2007

Mr. Thomas J. Leech, III  
FedEx Express  
3670 Hacks Cross Road  
Building G, 2<sup>nd</sup> Floor  
Memphis, TN 38125-8800

Ref. No.: 07-0157

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Dear Mr. Leech:

This responds to your letter dated August 10, 2007, regarding the acceptability under the Hazardous Materials Regulations (HMR; 49 CFR 171-180), specifically §§ 172.304 and 172.406, of various methods used to affix markings and labels to packages.

You enclosed a number of FedEx shipping pouches intended to be affixed to the surface of a package, and one shipping pouch attached to a tag which would be affixed to luggage or a carrying case. Your questions are paraphrased and answered as follows:

1. May a documentation pouch with an adhesive backing be used to affix a marking or label contained therein to a package?

As specified in § 172.304, markings must be durable, in English, and printed on or affixed to the surface of a package or on a label, tag, or sign. The marking must be displayed on a sharply contrasting background, unobscured by labels or attachments, and located away from any other marking that could substantially reduce its effectiveness. These requirements are basically performance standards. Use of a pouch attached by adhesive to a package, or to a tag which is then attached to the package, is an acceptable means of displaying and affixing the markings, assuming the aforementioned performance standards are met.

For labels, § 172.406 requires, in part, that the label be printed on or affixed to a surface of the package, be clearly visible, and not be obscured by markings or attachments. In the same manner as for markings, a pouch may be used to affix the label to a package. In addition, under the provisions of § 172.407, labels must meet specific durability, weather resistance and color requirements.

2. May a packing list, containing a marking or label printed on a sheet of paper, be used to affix the marking or label to a package?

Markings and labels may be displayed along with other information such as that contained on a packing list, if the other information does not reduce the effectiveness of the required information and other performance standards for displaying and affixing the markings and labels are met. With regard to labels printed on paper, it may be difficult to meet the durability and color requirements of §172.407.

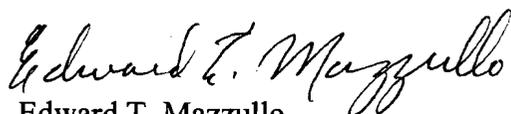
3. May markings and labels typed or printed on a sheet of paper be affixed to a package with clear tape?

You did not provide an example of how the tape would be used to attach the sheet of paper to the package, nor indicate the quality of the paper. Considering the lack of tear and moisture resistance of unprotected ordinary paper, a piece of paper may not be sufficiently durable, depending on the conditions of transport. As indicated above, with regard to labels printed on paper it may be difficult to meet the durability and color requirements of §172.407.

With regard to the examples of pouches and markings you provided, the backing of each pouch is fully covered with adhesive, suggesting it would be firmly affixed to the surface of the package. Most of the pouches had sealable flaps for inserting their contents; flaps should be sealed to prevent the required information from falling out during transport, in which case we would find these examples of pouches and markings acceptable.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,



Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards

Engrum  
§172.304  
§172.407  
Marking & Labeling  
87-0157



August 10, 2007

Mr. John Gale, Chief  
Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Bldg, 2<sup>nd</sup> Floor  
Washington, D.C. 20590

**Subject: Marking and Labeling Requirements under 49 CFR 172.304 and 172.407**

FedEx Express would like your interpretation of the marking and labeling requirements under 49 CFR 172.304 and 172.407. We would like a detailed explanation of what is considered durable marking/labeling and what types of materials would be considered suitable to meet the "affixed to the surface of a package" provisions. Here are a few scenarios for your consideration:

- Can a documentation pouch with an adhesive peel off backing containing an approved marking/label printed on a sheet of paper inside the pouch be used to affix the marking/label on a package? I am enclosing FedEx shipping pouches with example markings and labels inside them for your review.
- Can a packing list containing an approved marking/label printed on a sheet of paper inside the pouch be used to affix the marking/label?
- Can markings and labels typed or printed on a sheet of paper be affixed to the package with clear tape?

Nothing in the regulations indicates that the markings and labels must be permanently affixed to the package. It is possible that a pouch or packing list could be snagged and torn off during transit. Do you have any examples of what materials used to affix markings and labels that would be prohibited or approved?

Thanks in advance for your guidance related to this issue. Please contact me at 901-434-9846 if you have any questions related to this inquiry.

Sincerely,

Thomas J. Leech, III  
Sr. Safety Specialist  
Dangerous Goods Administration  
FedEx Express

Enclosures

Shipper's Declaration not Required

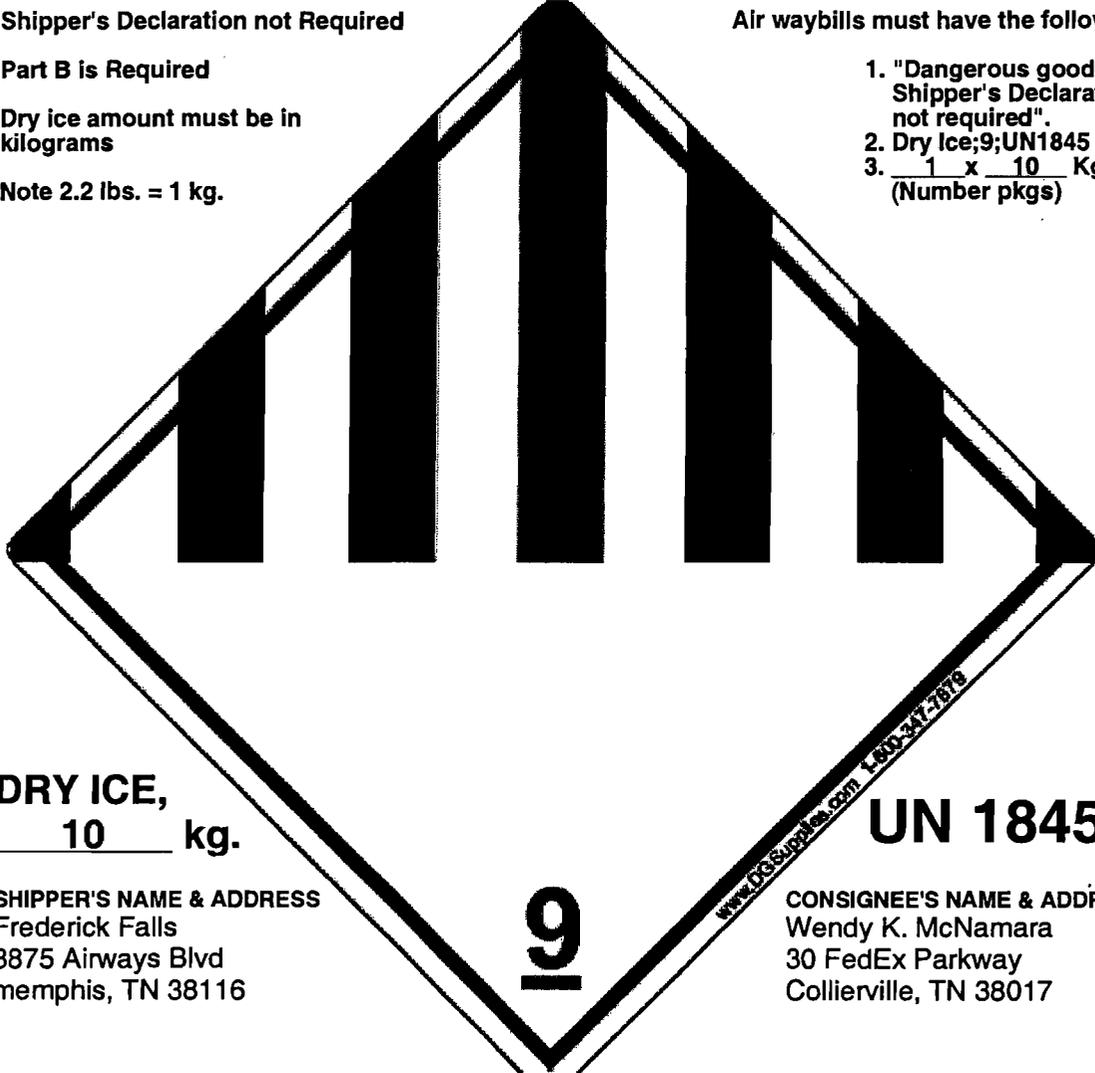
Air waybills must have the following:

Part B is Required

Dry ice amount must be in kilograms

Note 2.2 lbs. = 1 kg.

1. "Dangerous goods - Shipper's Declaration not required".
2. Dry Ice;9;UN1845
3. 1 x 10 Kg III  
(Number pkgs) (wt)



**DRY ICE,**  
10 kg.

**SHIPPER'S NAME & ADDRESS**  
Frederick Falls  
3875 Airways Blvd  
memphis, TN 38116

**UN 1845**

**CONSIGNEE'S NAME & ADDRESS**  
Wendy K. McNamara  
30 FedEx Parkway  
Collierville, TN 38017

Biological Substance, Category B



To: Jeff McElroy  
72 South Fork drive  
Dallas, TX 76111

## Consumer Commodity

**ORM-D-AIR**

# ATTENTION

Courier / Service Agent



DO NOT PUP AS DG

M-10095 REV 5/05 MM

This package MUST be inspected by the origin location Dangerous Goods Specialist.



APPLY LABEL TO SMALL PACKAGES BY WRAPPING AROUND CORNER OF PACKAGE ON THE DOTTED LINE

## PRIMARY LITHIUM BATTERIES -- FORBIDDEN FOR TRANSPORT



ALIGN FEDEX AIRBILL POUCH HERE

This pouch is resealable.

*This could be used to attach a fix package markings/labels to a carrying case, luggage, etc. (This would not be a normal method)*

SHIPPER

CITY SOLUTIONS

3030 E. INDUSTRIAL WAY

MEMPHIS, TN 38118

CONSIGNEE

MICHAEL BROWN

KRAMER MEDICAL SUPPLIES

9900 FREMONT CENTER

SAN FRANCISCO, CA 94105

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