



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 23 2008

Mr. Gary Flaherty
LPS Industries
10 Caesar Place
Moonachie, NJ 07074

Ref. No. 08-0104

Dear Mr. Flaherty:

This is in response to your request for clarification of the Hazardous Materials Regulations (49 CFR; HMR Parts 171-180) regarding the marking of non-bulk packagings. You state that your packaging vendor manufactured 4G fiberboard boxes with print errors in the UN markings. You ask whether the markings can be corrected by covering the erroneous markings with a label displaying the correct markings. You also ask whether the HMR specifies requirements for the size and color of the labels displaying the markings.

Use of labels to cover erroneous markings on fiberboard boxes is authorized under the HMR provided the labels conform to the required marking specifications. Section 178.3(a)(3) specifies that the markings must be stamped, embossed, burned, printed or otherwise marked on the packaging to provide adequate accessibility, permanency, contrast, and legibility so as to be readily apparent and understood, and § 178.3 (a)(4) specifies the size of the letters and numerals for specification and UN standard packagings. To meet the permanency requirement, the labels displaying the correct markings must not peel, fade or in any manner become compromised during transportation and the incorrect markings must be completely and securely covered or obliterated. With respect to the size and color of the label, the label must be of adequate proportions to contain the required size specifications for letters and numerals, and of sufficient contrast to the background of the packaging for the marking to be readily visible.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

McIntyre
§ 178.3
§ 178.503

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Monday, April 14, 2008 11:50 AM
To: Drakeford, Carolyn <PHMSA>
Cc: 'gary@lpsind.com'
Subject: FW: Letter of Interpretation for LPS Industries

Marking of Packagings
08-0104.

From: Gary Flaherty [mailto:gary@lpsind.com]
Sent: Monday, April 14, 2008 11:37 AM
To: INFOCNTR <PHMSA>
Subject: Letter of Interpretation for LPS Industries

To Ed Mazullo, From Gary Flaherty, LPS Industries (SP-8249)
Re: Relabeling 4GV Boxes

Ed,

I am seeking a written confirmation of a conversation I had, on Thur. April 10th, with Rob (at the help desk) and also with Ann Mazullo. I asked them about relabeling 4G & 4GV boxes that have print errors in the UN markings. Both Rob and Ann said there was nothing in the regulations to prevent using a label for that purpose. However, we have an urgent issue to address and I would appreciate a written response so action can be taken. Here is a review of the problem we want to resolve.

Our box vendor produced 2 different outer cartons with print errors;

1. 4G; Boxes made in 2008 are marked 07 in error.
2. 4GV; The + (plus) sign was omitted from the 2nd line of the UN markings.

Instead of destroying the boxes, our supplier would like (if possible) to fix their error so they can deliver usable outer cartons to LPS. Is it acceptable to repair these boxes by fully covering the print errors with a label that has the correct markings? If yes, are there any requirements or limitations on label size, color etc?

As I'm sure you can understand, we would like to resolve this problem as soon as possible. I would appreciate a response at your earliest convenience.

Thank you very much in advance for your help with this matter.

Regards,

Gary Flaherty
LPS Industries
201-438-3515 ext 312
gflaherty@lpsind.com