



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAR 26 2009

Ms. Shelley Espinoza
Compliance Officer – Dangerous Goods
Titan Specialties LTD
143 HCR 4361
Milford, TX 76670

Ref. No.: 09-0026

Dear Ms. Espinoza:

This responds to your letter concerning marking requirements prescribed in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for packages containing Class 1 materials. Specifically, you ask if a package may be marked with more than one EX number if it contains only one of the Class 1 materials assigned an EX number in accordance with §172.320. You provide the following scenario:

A company has numerous similar Class 1 materials approved by DOT; each is assigned a specific EX number that has the same classification (i.e., UN number, proper shipping name and division compatibility group). Each will always be the only Class 1 material in the packaging, but all are packaged in the same manner, utilizing the same inner and outer packagings. For economies of scale, it is preferable to stock one outer packaging that is pre-printed with all of the EX numbers of the products that could be contained in the packaging, as well as the other required markings and labeling.

The answer is no. In accordance with §172.320, no person may offer a package for transportation that is marked to indicate that the material contained in the package is hazardous unless the package contains the identified material or its residue. Thus, each package containing a Class 1 material must be marked with the EX number for each substance, article, or device contained in the package. The package may not be marked with EX numbers for materials that it does not actually contain.

If your company is using a package that is pre-printed with several EX numbers, the EX numbers that do not apply to the Class 1 material in the package must be covered or obliterated prior to shipment. However, when more than five different Class 1 materials are packed in the same package, the package may be marked with only five of the EX-numbers, national stock numbers, product codes, or combination thereof.

If the shipping paper shows the EX number, product code or national stock number of each explosive item described under a proper shipping description in association with the shipping description as required by § 172.202(a), the EX-number is not required to be marked on the package (see § 172.320(d)). This exception applies to all explosives.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



Engrum
§172.320(a)
Marking
09-0026

January 8, 2009

Mr. Edward Mazzullo
Office of Hazardous Materials Standards, PHH-10
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
East Building
Washington, DC 20590-0001

Dear Mr. Mazzullo,

This is a clarification request concerning the provision in 49 CFR 172.320(a) that each package containing a Class 1 material must be marked with the EX-number for each substance, article or device contained therein.

Is it allowable for the package to be marked with numerous EX-numbers of Class 1 materials when the product covered by only one of the EX-numbers is in the packaging?

For example, a company has numerous similar Class 1 materials approved by DOT, each assigned a specific EX-number, that have the same classification (i.e., UN number, proper shipping name and division/compatibility group). Each will always be the only Class 1 material in the packaging, but all are packaged in the same manner, utilizing the same inner and outer packagings. For economy of scale, it is preferable to stock one outer packaging that is pre-printed with all of the EX-numbers of the products that could be contained in the packaging, as well as the other required marks and labels.

Your response to this question is appreciated; please advise if additional information is necessary.

Regards,

Shelley Espinoza
Compliance Officer – Dangerous Goods