



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

MAR 06 2014

Dr. Donald R. Paulus  
Global Dangerous Goods Specialist  
Avantor Performance Materials, Inc.  
3477 Corporate Parkway Suite #200  
Center Valley, PA 18034

Ref. No.: 13-0208

Dear Mr. Toole:

This is in response to your letter dated October 22, 2013, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the display of Globally Harmonized System of Classification and Labelling of Chemicals (GHS) markings and labeling in conjunction with hazardous materials labels. You present two specific materials with differing HMR and GHS labeling and marking requirements and ask for PHMSA's recommendation on how to address situations where classification differs between HMR labels and GHS pictograms. The two commodities and the conflicting marking and labeling requirements are as follows:

Material #1- UN 1230 Methanol, 3, PG II, which when offered domestically in accordance with HMR requirements only requires a Class 3 flammable label. However, you note that GHS guidelines specify that both flammable and toxic pictograms are required.

Material # 2- UN 2014, Hydrogen peroxide, aqueous solutions, 5.1, (8), PG II, which in accordance with HMR requirements only requires the Division 5.1 oxidizer and Class 8 corrosive label. However, you note that the GHS guidelines specify that oxidizer, corrosive, and toxic pictograms are all required.

The HMR prescribes the labeling requirements for transportation purposes. Only those labels noted above as required for your materials (Class 3 for a domestic shipment of UN 1230 and Division 5.1 and Class 8 for UN 2014) are necessary to comply with the HMR. Section § 172.401(b) prohibits the transportation of a package bearing any marking or label which by its color, design, or shape could be confused or conflict with a hazard warning label prescribed in the HMR. The prohibition is intended to preserve the effectiveness of Department of Transportation's (DOT) hazard warning communication system by preventing dilution of the distinctive DOT labels. However, § 172.401(c)(5) excepts packages labeled in conformance with GHS requirements from this prohibition.

One potential solution would be to label the shipments with those labels required for transport under the HMR and to include a secondary GHS label including the additional required GHS pictograms. You may wish to contact the Occupational Health and Safety Administration (OSHA), Directorate of Standards & Guidance or further guidance on the appropriate GHS marking and labeling requirements for these materials at:

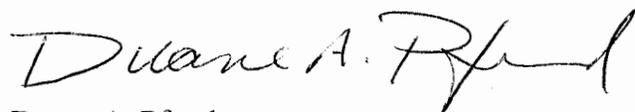
U.S. Department of Labor  
Occupational Safety & Health Administration  
Directorate of Standards & Guidance  
200 Constitution Ave., NW  
Washington, DC 20210

Please note that there are cases where the shipping container also houses the chemical in the workplace. It is our understanding of OSHA's requirements that in such cases the container must identify the hazards for the chemical user.

A relevant letter of interpretation by OSHA may be found at:  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=28646](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28646).

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division



Webb  
§ 172.401(c)(5)  
§ 172.101  
Labeling  
13-0208

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October 22, 2013

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

Dear Sir/Madam:

This letter is to seek advice on a recurrent issue we have had with one of the largest courier companies in US when trying to transport certain hazardous materials containing both hazardous materials labeling as specified under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and pictograms as specified under the UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS) recently adapted by U.S.OSHA.

PHMSA previously released two interpretation letters (07-0156 and 13-0038) which state that this is an acceptable practice according to HMR. In particular, the second letter references 172.401(c)(5) which deals specifically with the HMR compliance of packages that are labeled in conformance with GHS.

The specific materials we have had problems trying to ship by DOT ground regulations are:

1. Methanol, being shipped as UN 1230, Methanol, 3, PG II
2. 30% Hydrogen Peroxide, being shipped as UN 2014, Hydrogen peroxide, aqueous solutions, 5.1, (8), PG II.

We ground ship Methanol in the United States using the D designation listed in the 172.101 Table which only requires a class 3 flammable label; however, the GHS guidelines specify that both flammable and toxic pictograms are required. The Hydrogen peroxide, aqueous solutions only require two labels according to the 172.101 Table - hazard class 5.1 (oxidizer) and hazard class 8 (corrosive) labels; while, the GHS guidelines specify that oxidizer, corrosive and toxic pictograms are all required.

In both cases, GHS requires a toxic pictogram but HMR does not require a corresponding toxic label. The packages are compliant with the HMR because the restrictions of



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172.401(a) and (b) do not apply. The courier company stopped or delayed the shipment because there were no hazard class 6.1 (toxic) labels on the packages and they deemed the package "noncompliant". How does PHMSA recommends to handle situations like these where the classification differs between HMR labels and GHS pictograms?

Regards,

A handwritten signature in cursive script that reads "Donald R. Paulus". The signature is written in black ink and includes a long horizontal flourish at the end.

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