



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

FEB 05 2014

Mr. Richard Finnegan
Veolia ES Technical Services LLC
398 Cedar Hill Street
Marlboro, MA 01752

Ref. No. 13-0238

Dear Mr. Finnegan:

This responds to your November 15, 2013 request for clarification of the labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you seek clarification on the requirement for a contrasting background, or a dotted or solid line outer border, specified under § 172.406(d).

According to your letter, a third party wants to place labels for Division 6.1 and Class 9 materials on non-bulk packages that are white in color. Since both the non-bulk packages and Division 6.1 and Class 9 labels are white in color, the labels do not contrast with the background. You ask if a label with a dashed line outer border would comply with the requirements specified in § 172.406(d).

Based on your scenario and enclosed pictures of labels, it is the opinion of this office that your labels comply with § 172.406(d) which requires each label to be printed on or affixed to a background of contrasting color, or have a dotted or solid line outer border.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division



Boothe
§ 172.406(d)
Labeling
13-0238

**TECHNICAL SOLUTIONS
NORTH AMERICA**

**T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
PHMSA Office of Hazardous Materials Standards
Standards and Rulemaking Division
ATTN: PHH-10, East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-001
Infocntr@DOT.Gov**

November 15, 2013

Re: Request for a Letter of Interpretation regarding 172.406(d)

Dear Mr. Foster:

We would like to request PHMSA's interpretation of 49 CFR 172.406(d). Enclosed are two copies of labels (Toxic 6.1 and Class 9) that have been custom made by a label manufacturer at the request of a third party. The labels are black and white. The third party would like to use the labels when offering hazardous materials for transportation in compliance with 49 CFR 172.400 labeling requirements.

The third party would like place the labels on non-bulk packages such as pails or drums that are white in color. In accordance with 40 CFR 172.406(d), since the non-bulk containers are white in color, and the requirement of having a contrasting background can't be met, the third party is questioning if a dashed line (as pictured in the enclosed labels) outer border is allowable according to the statement "...or must have a dotted or solid line outer border."

To summarize our request: Does a "dashed outer border" on a label comply with the requirement of a "dotted or solid line outer border" for 172.406(d)?

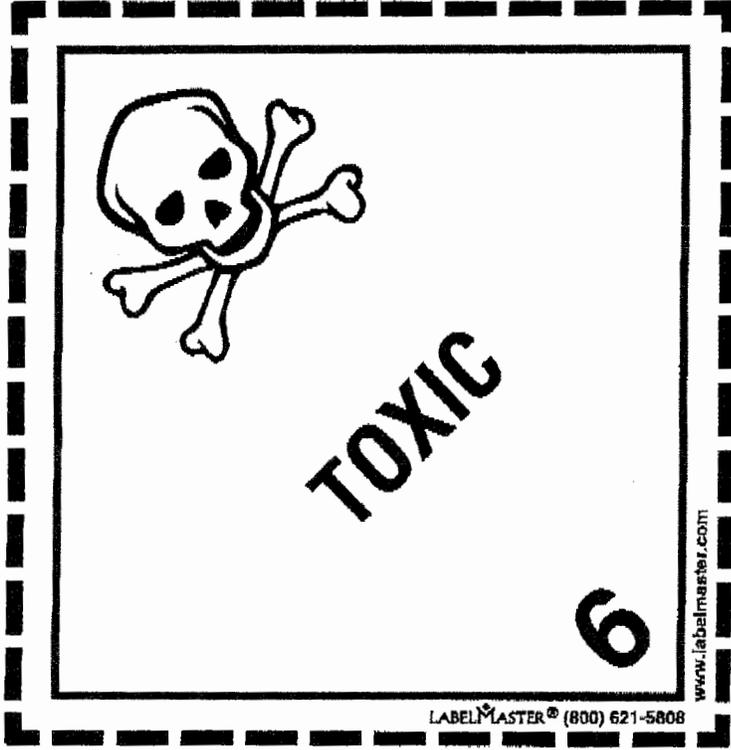
We appreciate your assistance with this question. If any further information if required, please contact me at (508) 804-4814.

Sincerely,

A handwritten signature in cursive script that reads "Richard D. Finnegan".

**Richard Finnegan
Environmental Health and Safety Manager
Veolia ES Technical Services LLC**

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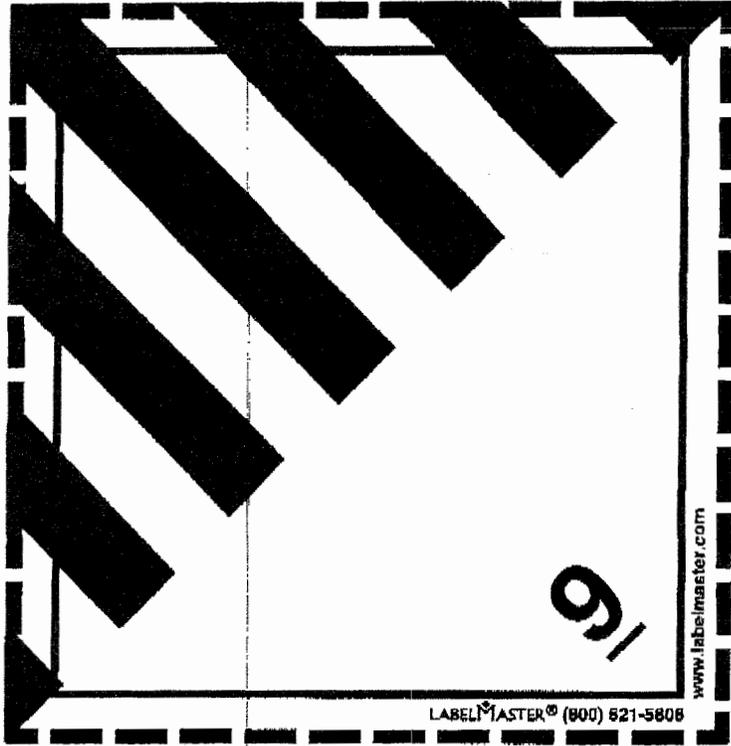


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