



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAR 18 2014

Mr. Jay Davis
Working Solutions, Inc.
2522 Roy Circle
Houston, Texas 77007

Ref. No. 14-0026

Dear Mr. Davis:

This responds to your February 6, 2014 request for clarification on marking and labeling under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you seek to include the applicable HMR proper shipping description and miniaturized hazard labels on a single container label with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) elements.

In your letter you indicate you want to provide the GHS hazard communication elements on your container labels, and in a segregated section of that label, you want to include the proper shipping description and 1 ½ inch by 1 ½ inch miniaturized version of hazard warning labels required by the HMR. You believe these container labels will assist your employees that package products that are regulated as hazardous materials under the HMR. You indicated the miniaturized labels will not replace applicable 4 inch by 4 inch hazard warning labels required under the HMR. Applicable labels required by the HMR will be applied to the containers before being offered for transportation. You ask if a sample GHS based container label you provide (see enclosed) is authorized and complies with marking and labeling requirements under 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. Pictograms (on labels) developed in accordance with the labeling procedures of the GHS and displayed on packages used in transportation are not prohibited under § 172.401. The pictograms employed by the GHS were developed based largely on the existing hazard communication standards for transport to ensure consistency of hazard communication for a variety of applications and contexts. As such, the GHS pictograms are intentionally consistent with the symbols used in the labels and placards required by the HMR and used in international regulations and standards including the International Civil Aviation Organization's Technical Instructions on the Safe Transport of Dangerous Goods, the International Maritime Dangerous Goods Code, and the United Nations Recommendations on the Transport of Dangerous Goods. Therefore, when displayed in accordance with the GHS, we do not consider these pictograms to be confusing or conflicting in accordance with § 172.401(b) of the HMR.

It should be noted that prior to transportation required markings should meet the requirements of Subpart D of Part 172 of the HMR and required labeling should meet the requirements in Subpart E of Part 172 of the HMR. Further, the 1 ½ inch by 1 ½ inch miniaturized version of hazard warning labels would not meet the size requirements of § 172.407.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Benedict". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division

Boothe
\$ 172.101

Drakeford, Carolyn (PHMSA)

From: Lehman, Victoria CTR (PHMSA)
Sent: Monday, February 10, 2014 2:13 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for Letter of Interpretation
Attachments: SOLUCOAT 5047 Label GHS.Transport WS design 2014 Experimental.pdf

\$ 172,400,
Labeling
14-0026

Hi Carolyn,

Mr. Davis would like his letter request forwarded for a formal letter of interpretation. He also stated he could be reached by his cell phone 832-274-7675. He previously spoke with me about this question in the HMIC.

Thanks,
Victoria

From: JAY DAVIS [mailto:cmclrx@hotmail.com]
Sent: Thursday, February 06, 2014 6:56 PM
To: INFOCNTR (PHMSA)
Subject: Request for Letter of Interpretation

Completed via phone by VL
Dear InfoCenter Expert:

I am trying to get written clarification of what can and cannot appear on a OSHA GHS Compliant HazCom container label in the way of D.O.T. Hazardous Material Classification and markings (we package in 5 gallon pails, 55 gallon drums, and IBCs) .

We wish to use all the OSHA GHS Hazard Communication Standard Label Elements on our container labels, but would like to also include (in a segregated section of the label) markings similar to miniaturized D.O.T. Hazard Class Labels. We wish to do so in order to assist plant employees doing the packaging of our products (as English may be their second language and they frequently have little or no formal education). I have attached a sample label to show you what we mean (please disregard the use of the incorrect D.O.T. labels our consultant used in making this prototype!).

Thanks,

Jay Davis

WORKING SOLUTIONS, INC.
Houston, Texas , U.S.A.
1-800-829-4419 Toll Free (in U.S.)
1-713-862-3868 Office
1-713-862-5591 Facsimile
<http://www.workingsolutions.net>

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SOLUCOAT 5047



DANGER

May be corrosive to metals. May intensify fire; oxidizer. Causes severe skin burns and eye damage. Fatal if swallowed. Fatal in contact with skin. Fatal if inhaled. Causes serious eye damage. Causes damage to organs (respiratory system). Causes damage to organs (teeth and respiratory system) through prolonged or repeated exposure. May be fatal if swallowed and enters airways. May cause an allergic skin reaction. May cause allergy or asthma symptoms or breathing difficulties if inhaled. May cause cancer. Very toxic to aquatic life with long lasting effects

Prevention— Keep away from heat/sparks/open flames/hot surfaces. — No smoking. Store away from clothing. Take any precaution to avoid mixing with combustibles. Wear protective gloves/protective clothing/eye protection/face protection. Wash hands thoroughly after handling. Do not eat, drink or smoke when using this product. Do not breathe dust/fume/gas/mist/vapors/spray. In case of inadequate ventilation wear respiratory protection. Contaminated work clothing should not be allowed out of the workplace. Do not handle until all safety precautions have been read and understood. Use personal protective equipment as required. **Response** — In case of fire: Use Water Spray, Foam, Dry Powder, Carbon dioxide for extinction. IF SWALLOWED: Rinse mouth. Do NOT induce vomiting. IF ON SKIN (or hair): Remove/Take off Immediately all contaminated clothing. Rinse SKIN with Water/shower. Wash contaminated clothing before reuse. IF INHALED: Remove victim to fresh air and Keep at rest in a position comfortable for breathing. IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. IF INHALED: If breathing is difficult, remove victim to fresh air and keep at rest in a position comfortable for breathing. IF experiencing respiratory symptoms: call a POISON CENTER or doctor/physician. IF ON SKIN: wash with plenty of soap and water. Dispose of contents/container in accordance with local/regional/ national/international regulations. Wash contaminated clothing before reuse. IF exposed: call a POISON CENTER or doctor/physician. **Storage** —Store in corrosive resistant container with a resistant inner liner. Store locked up. IF SKIN irritation or rash occurs: Get medical advice/attention. **Disposal** — Dispose of contents/container in accordance with local/regional/ national/international regulations

IF SWALLOWED: Immediately call a POISON CONTROL CENTER or doctor/physician. Rinse mouth.

See Safety Data Sheet for further details regarding safe use of this product.

UN1760, Corrosive Liquids, N.O.S (Contains Phosphoric acid and Nitric acid) 8, PGII



working
solutions

Working Solutions, Inc.

2522 Roy Circle
Houston, Texas 77007

Telephone# 1-800-829-4419
For Emergencies CALL: CHEMTREC 1-800-434-9300

Solubility:
SDS Version:
Net Weight:
Lot/Batch #: