



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

JAN 08 2015

Mr. Ralph Mikida
EHS and Regulatory Manager
PeroxyChem
1735 Market St.
Philadelphia, PA 19103

Reference No. 14-0211

Dear Mr. Mikida:

This is in response to your October 30, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to cargo tank marking requirements under special provision B85. Specifically, you ask for clarification on where the name of the lading needs to be marked for cargo tanks to comply with the requirements of special provision B85 and if the lading name only needs to be marked once.

The HMR gives no specific location requirement for the marking of the name of the lading as required by special provision B85. Special provision B85 only requires a cargo tank to be marked with the name of the lading in accordance with the requirements of § 173.302(b). Section 173.302(b) only addresses minimum size requirements for bulk package markings. Marking the lading name once is sufficient to comply with the requirements of special provision B85.

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

Sincerely,

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Webb
172.302
General Markings
14-0211

From: Ciccarone, Michael CTR (PHMSA)
Sent: Thursday, October 30, 2014 12:39 PM
To: Hazmat Interps
Subject: FW: Special Provision B85 interpretation

Shante/Alice,

Please submit this for a formal letter of interpretation. Mr. Makida spoke with Chris Ludwa and me.

The company address is:
1735 Market Street
Philadelphia, PA 19103

Thanks,

Mike

From: Ralph Mikida [<mailto:RALPH.MIKIDA@peroxychem.com>]
Sent: Thursday, October 30, 2014 11:15 AM
To: PHMSA HM InfoCenter
Subject: Special Provision B85 interpretation

Dear Sirs,

We ship a product, Hydrogen Peroxide UN2014 and UN2015, in cargo tanks that references Special Provision B85 in column (7) of the Hazardous Materials Table. B85 states "Cargo tanks must be marked with the name of the lading in accordance with the requirements of §172.302(b)." Section 172.302(b) describes the size of the marking only and there is no reference in Section 172 on where to lading name needs to be marked for cargo tanks. Does this mean that the lading name only needs to be marked once such as on the back end? Other bulk packagings do reference marking the shipping name, or key words of the shipping name, on opposite sides (Section 172.326(a) for portable tanks and Section 172.330(1)(ii) for rail cars). Section 172.328 referencing cargo tanks does not address where to mark the name of the lading only where to mark the identification number. Marking of the identification number on portable tanks and rail cars is consistent with what is required for cargo tanks. Does this then mean that the name of the lading should be marked on opposite sides, instead of just one side or end, to be consistent with the portable tank and rail car lading name marking?

Your response is appreciated.

Regards,

Ralph Mikida
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Regulatory Manager
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