



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

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

OCT 13 2010

Mr. Dan Wieten  
Environmental Hazmat & Safety Group  
Legal and Corporate Responsibility Department  
Toyota Motor Sales, USA, Inc.  
19001 South Western Avenue  
Torrance, CA 90501

Reference No. 10-0042

Dear Mr. Wieten:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to labeling requirements. Specifically, you state that you receive packages from overseas that may stay in inventory for long periods of time and reoffer the packages (in this case, packages containing batteries) into transportation. The labels on the packages display the word "Corrosive" in both English and Japanese. You refer to interpretation letter, Reference No. 98-0235, and state that your understanding of the letter is that the packages may be reoffered into transportation with the Japanese wording on the labels. You ask whether your understanding is correct.

Your understanding is correct. Except for materials poisonous by inhalation, labels conforming to specifications in the UN Recommendations on the Transport of Dangerous Goods may be used in place of the corresponding label under the HMR (see §§ 172.401(c) and 172.407(f)). These labels may contain text indicating the hazard in the language of the country from which a shipment originates and may continue to be displayed when they are reoffered into transportation, regardless of the length of time the packages are held in inventory. With respect to English wording on labels, for Classes 1, 2, 3, 4, 5, 6, and 8 hazardous materials (see § 172.405(a)), text indicating a hazard (for example, "Corrosive") is not required on a primary or subsidiary label, but it too may continue to be displayed when the package is being reoffered into transportation.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

## **Drakeford, Carolyn (PHMSA)**

---

**From:** Mitchell, Hattie (PHMSA)  
**Sent:** Thursday, February 25, 2010 12:28 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Interpretation Request  
**Attachments:** IMG\_9247.jpg

McIntyre  
§ 172.407(c)  
§ 172.407(f)  
Labeling  
10-0042

**From:** Dan\_Wieten@Toyota.com [mailto:Dan\_Wieten@Toyota.com]  
**Sent:** Tue 2/16/2010 5:40 PM  
**To:** Mitchell, Hattie (PHMSA)  
**Cc:** Pollard, Terry (PHMSA); Boehne, Kevin (PHMSA)  
**Subject:** Interpretation Request

Ms Mitchell,

I'm not sure if you remember me or not, but I work in the Environmental, Hazmat and Safety Group at Toyota Motor Sales (TMS) in Torrance CA. I'm writing to request your assistance in clarifying an interpretation that was given to TMS some years ago. A recent visit from your agency to our Kansas City parts distribution has brought this issue to the forefront and your review of the situation would be greatly appreciated. The background is detailed below:

TMS receives and distributes parts from various domestic and overseas suppliers. We have a network of warehouses throughout the US that receive packaged hazmat parts such as air bags, seat belt pretensioners and batteries, warehouse and ship them to our dealer network. These parts come individually packaged, marked and labeled from the supplier. These parts in the supplier packaging may remain in inventory for many months, and in some cases years, before they are shipped out again. TMS may on rare occasions repackage or relabel one of these individually packaged service parts, if the packaging/labeling is suspect, but mostly these parts pass through our facilities as received from the supplier. Back in 1998 TMS sent an interpretation request to RSPA on hazard class labels. The request asked if it was permissible to include "Japanese characters on the label". The response we received (Ref. No. 98-0235 from Del Billings) stated that "These labels may contain text indicating the hazard in the language of the country from which a shipment originates". Our Japan suppliers have continued to ship similar labels (the interp was for 2.2 compressed gas labels) since that time.

Last week an Investigator from your Des Plaines Illinois Office, Steve Pollard, visited our facility in Kansas City. Looking though the exit briefing it appears the hazmat program at the facility was in good order with no violations or no probable violations noted (Report Control #10438001). The facility did receive one "Quality Control Item" to correct within 30 days. The item related to our Battery Package Class 8 Corrosive Labels from our supplier in Japan which have the word "Corrosive" written in both English and Japanese. As a short term countermeasure the KC facility has begun relabeling the battery packages with a new corrosive label that has no verbiage (English or Japanese) on it.

I talked this over with Kevin Boehne from the Des Plaines office today. I explained that my understanding of the interpretation letter was that we could reoffer the package with the Japanese verbiage label through our supply chain ( we stock this part at not only the KC facility but 10 others across the US). Steve Pollard and Kevin Boehne's opinion is that the letter of interpretation allows us to import these parts with the Japanese verbiage label, but not to reoffer them from our facilities without relabeling them. Kevin and I agreed that the best tack would be to get a clarification from you on this issue before we move forward with a corrective action.

Your review and response with your opinion on the is issue is greatly appreciated. If I can further clarify anything for you please email or call me. Thank you for your support.

Dan Wieten  
Environmental Hazmat & Safety Group  
Legal and Corporate Responsibility Department  
Toyota Motor Sales, USA, Inc.  
Tel: 310-468-7605  
Cell: 310-291-4061