



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

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

JUN - 9 2010

Mr. John McQuaid
Industrial Packaging Alliance of North America
P.O. Box 100907
Arlington, VA 22210

Ref. No.: 10-0090

Dear Mr. McQuaid:

This letter clarifies my March 12, 2010 response to your January 21, 2010 letter regarding display of package markings in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request further clarification on the use of a label containing the information required by § 178.503.

A reusable metal drum liable to undergo a reconditioning process must bear the marks identified in § 178.503(a)(1) through (a)(6) and (a)(9)(i) in a permanent form that is able to withstand the reconditioning process. While this office generally does not recommend the use of a label to display package specification markings on packages likely to undergo reconditioning, this is a performance requirement. Provided you can ensure compliance with these requirements including the ability to withstand the reconditioning process, a printed adhesive label is an acceptable method to display package specification markings in accordance with the HMR. An adhesive label is also an acceptable method to display markings on the top head or side of a drum such as reconditioner markings required by § 178.503(c)(1) or additional markings required by § 178.503(a)(10).

I hope this answers your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

Leary
§ 178.3
§ 178.503

From: Mazzullo, Ed (PHMSA)
Sent: Friday, April 23, 2010 3:00 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Follow-up Inquiry on Markings of Packagings Pursuant to Section 178.3 Related to PHMSA's March 12, 2010 Reply
Attachments: PHMSA Reply on Steel Drum Labels_031210.pdf
Importance: High

Markings of Packagings
10-0090

Carolyn Please assign for response. This probably should go to whoever drafted the March 12 letter which Charles signed.

Ed

From: John McQuaid [mailto:mcquaid@industrialpackaging.org]
Sent: Friday, April 23, 2010 1:46 PM
To: Mazzullo, Ed (PHMSA)
Subject: Follow-up Inquiry on Markings of Packagings Pursuant to Section 178.3 Related to PHMSA's March 12, 2010 Reply
Importance: High

Ed,

We appreciate Charles Betts' March 12 reply to my January 21 email to you concerning actions by U.S. Coast Guard representatives at certain terminals in the Port of Houston relating to markings on steel drums. My initial inquiry and PHMSA's reply are attached for ready reference.

We are writing now to seek clarification of what we view as ambiguity in the agency's reply to our inquiry in light of the clear language in § 178(a)(3). In particular, we are puzzled by the statement in PHMSA's letter that "A label generally would not insure permanency."

§ 178(a)(3) states that "The markings must be stamped, embossed, burned, *printed* or otherwise marked on the packaging to provide adequate accessibility, *permanency*, contrast, and legibility so as to be readily apparent and understood." (emphasis added)

If a label does not insure permanency then why is that noun listed in relation to printing as one of the means of meeting the requirements of § 178(a)(3)?

Would not the clear answer have been that a sticker (a *printed* adhesive label) meets the requirements of § 178(a)(3)? We believe they do and that they also meet the durability requirements in § 178.503.

Thank you for your further consideration of this matter.

Sincerely,

John A. McQuaid

Industrial Packaging Alliance of North America

PHONE: 571.527.0779

FAX: 571.527.0781

MOBILE: 703.629.6239

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From: John McQuaid [mailto:mcquaid@industrialpackaging.org]
Sent: Thursday, January 21, 2010 1:03 PM
To: 'ed.mazzullo@dot.gov'
Subject: Inquiry on Markings of Packagings Pursuant to Section 178.3
Importance: High

Ed,

I hope this note finds you well!!

I am writing on behalf of a filler that utilizes 55-gallon steel drums manufactured in accordance with POP requirements to facilitate the export of lubricants through three Houston-area ports.

An issue has arisen at one of the three ports used to export the product whereby Coast Guard personnel have recently begun to reject drums for loading in ISO shipping containers for export because the drums are marked with labels (described to me as 1" x 3" in dimension) containing the information required by § 178.503 to conform to the UN standard.

According to my contact who fills these drums, under contract, for export and manages the supply chain process, his firm purportedly has been shipping this product through three Houston ports for almost a decade with these labels containing the required marking information. To be clear, these are UN-rated drums for export.

The Coast Guard, in recently rejecting the packagings at one Houston port of debarkation, informed the party filling and handling the packagings for export that they are in violation of 49 CFR 178.3 in that the markings on the drum are not stamped, embossed, burned, printed or otherwise marked on the packaging to provide adequate accessibility, permanency, contracts, and legibility so as to be readily apparent and understood.

My question is: Does the 1" x 3" label containing the required information affixed to the drum satisfy the requirements of § 178.3? I am concerned as to whether, at a minimum, the label as described meets the "permanency" requirements of § 178.3.

Any assistance you and your staff can provide in clarifying this issue would be appreciated. As I mentioned, these are products for export. The apparent lack of consistency by Coast Guard personnel in relation to the acceptability of a labeling practice that, reportedly, has been standard practice by the steel drum manufacturers providing packagings to this filler for use in exporting product at the Houston ports for a decade requires clarification as soon as possible.

Thank you!

John A. McQuaid
mcquaid@industrialpackaging.org
Industrial Packaging Alliance of North America
NEW CONTACT INFORMATION:
IPANA/SSCI
P.O. BOX 100907
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1200 New Jersey Ave, SE
Washington, D.C. 20590

MAR 12 2010

Mr. John McQuaid
Industrial Packaging Alliance of North America
P.O. Box 100907
Arlington, VA 22210

Ref. No.: 10-0033

Dear Mr. McQuaid:

This is in response to your January 21, 2010 letter regarding display of package markings in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a label containing the information required by § 178.503(c) meets the permanency requirements of § 178.3.

A reusable metal drum liable to undergo a reconditioning process must bear the marks identified in § 178.503(a)(1) through (a)(6) and (a)(9)(i) in a permanent form that is able to withstand the reconditioning process. Although it may be possible to permanently apply these marks in some other fashion (e.g. stamping or etching), embossing is the most common method of permanently marking steel drums. A label generally would not insure permanency.

For a new metal drum with a capacity greater than 100 L, the permanent marks described in § 178.503(a)(1) through (a)(6) and (a)(9)(i), must appear on the bottom. Other required marks need not be permanent and may appear as part of a complete marking on the side or top of the drum. Again, a label generally would not insure permanency. If the capacity of the drum is less than or equal to 100 L the markings may be anywhere on the drum.

I hope this answers your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards