



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

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

SEP 3 2010

Mr. Mike Ritchie
Hazardous Materials Specialist
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 460
St. Paul, MN 55155

Ref. No. 10-0149

Dear Mr. Ritchie:

This responds to your July 16, 2010 letter requesting clarification of the overpack marking and labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if clear shrink wrapped pallets must be marked on the outside with the required package markings (*e.g.*, proper shipping name, identification number, orientation arrows, and "OVERPACK") when the markings on individual packages are not visible because of the package configuration, but markings and labels representative of each hazardous material are visible from the outside of the overpack. Your areas of concern are restated and answered as follows:

Labels and Proper Shipping Name/Identification Number Markings

Section 173.25(a)(2) requires the overpack to be marked with the proper shipping name and identification number, and labeled for each hazardous material contained therein, unless markings and labels representative of each hazardous material in the overpack are visible. For example, an overpack need not be marked and labeled if the markings (*i.e.*, proper shipping name and identification number) and labels on an individual package inside the overpack are not visible but the same markings (*i.e.*, proper shipping name and identification number) and labels representative of that package are clearly visible from the outside on another package contained in that overpack.

Orientation Arrow Marking

Section 173.25(a)(3) requires an overpack containing packages subject to the orientation arrow marking requirements of § 172.312 to be marked with orientation arrows on two opposite vertical sides of the overpack. This requirement is in addition to the orientation arrows displayed on the individual packages.

“OVERPACK” Marking

Section 173.25(a)(4) requires an overpack to be marked “OVERPACK” when specification packagings are required, unless specification markings on the inside packages are visible. The “OVERPACK” marking is not required if the overpack contains multiple packages with identical package specification markings provided package specification markings representative of each package specification contained in the overpack are visible from the outside.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is written in a cursive style with a long, sweeping underline.

Ben Supko
Acting Chief, Standards Development
Office of Hazardous Materials Standards

Eichenlaub
§ 173.25
§ 173.312

Drakeford, Carolyn (PHMSA)

From: Betts, Charles (PHMSA)
Sent: Friday, July 16, 2010 2:56 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Marking of overpacks

Overpacks
10-0149

Please log this in as a new request for interpretation.

Thanks,
Charles

From: Ritchie, Mike (DOT) [mailto:Michael.Ritchie@state.mn.us]
Sent: Friday, July 16, 2010 2:29 PM
To: Betts, Charles (PHMSA)
Subject: Marking of overpacks

July 16, 2010

Charles Betts
Chief, Standards Development
Office of Hazardous Materials Standards
USDOT/ PHMSA
1200 New Jersey Avenue
Washington, DC 20590

Re: Marking, Labeling and Display of Package Specifications on Overpacks

Dear Mr. Betts,

49 CFR 173.25 requires overpacks to be marked with the proper shipping name and identification number, and the authorized labels, for each hazardous material contained in the overpack, unless those labels and marks are visible on the packages. Paragraph (a) (4) of that section requires the overpack to be marked with the word OVERPACK when the hazardous material is required to be in specification packaging unless the specification markings on the inside packages are visible.

The most common type of overpack our safety investigators encounter while doing Hazardous Materials Package Inspection Program (HMPIP) inspections are shrink wrapped pallets. Many are not marked OVERPACK. These pallets often contain different types of packages, for example drums and boxes on the same pallet, and may contain several different hazardous materials. Labels and marking on packages loaded in the center of the pallet are not visible because they are covered by packages on the edge or top of the pallet. Many non-bulk packages display the required hazmat marking and labels on a different surface than the printed or embossed specification marking required by §178.3.

Question: If an overpack contains packages requiring specification marks, must all specification marks on each package be visible or is a representative sample of each different specification mark acceptable?

Question: If packages displaying orientation arrows as required in §172.312 are in an overpack, and those orientation arrows are visible on the packages on two opposite sides of the overpack, must additional orientation arrows be added the outside of the overpack to comply with §173.25 (a) (3)?

Yours truly,

Michael Ritchie
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Office of Freight & Commercial Vehicle Operations
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