



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

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 29 2011

Mr. Richard Hessen
Reckitt Benckiser, Inc.
399 Interpace Parkway
Parsippany, NJ 07054-0225

Ref. No. 11-0051

Dear Mr. Hessen:

This responds to your February 11, 2011 request for clarification on the new limited quantity marking and the size requirements regarding reduction to 50 mm in size in § 172.315(a)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the reduction to 50 mm and placement of the limited quantity marking on the lip of the corrugated shrink wrapped tray is a proper and acceptable application of the marking.

The answer is yes. A final rule under Docket HM-215K was published in the *Federal Register* on January 19, 2011 (76 FR 3308). In the final rule PHMSA revised the limited quantity marking requirements in § 172.315(a)(1) to allow a 50 mm limited quantity marking. The reduced sized limited quantity marking may be placed on the lip of the tray corrugate, provided the tray corrugate is visible through the shrink wrap. Section 172.315(a)(1) requires the limited quantity marking to be durable, legible and of a size relative to the package that is readily visible. The marking must be applied on at least one side or one end of the outer packaging. The width of the border forming the square on point must be at least 2 mm and the minimum dimension of each side must be 100 mm unless the package size requires a reduced marking that must be no less than 50 mm on each side.

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

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Mr. Charles Betts
Acting Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590


**Reckitt
Benckiser**
Boothe
§ 172.315 (1)
Marking
11-0051

February 11, 2011

Dear Mr. Betts:

I am writing to you with regard to the new limited quantity marking and the size requirements as they relate to reduction to 50mm in size (§172.315 (1)) on shrink or stretched wrapped trays.

For the sake of this letter our completed shrink wrapped tray package has dimensions of (L) 10.5" X (W) 8" X (H) 8". It is obvious that the 100mm square marking would fit on any of the four sides of our completed shrink wrapped tray package.

The dimensions of the corrugated portion of the shrink-wrapped tray are 10.5" X 8" with a lip height of 2.25".

If reduced to 50 mm, the marking fits on the lip of the tray corrugate. We find that since it is printed on the corrugate, it is legible, visible and permanent. When placed on the shrink-wrapping, we believe that it is less permanent, especially if the shrink-wrap is damaged and is replaced. There is a fair chance that the marking would not be replaced. In such a case the package is non-compliant for transport.

Would the proposed reduction to 50mm and placement of the Limited Quantity marking on the lip of the corrugated tray be a proper and acceptable application of the allowance to reduce the size of the marking in §172.315 (1)?

Thank you for your response.

Sincerely,



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