



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

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

FEB 15 2012

Carl Bollinger
Zyvax Corporate
15412 Highway 515 S
Ellijay, GA 30536

Reference No.: 11-0212

Dear Mr. Bollinger:

This is in response to your August 26, 2011 e-mail to the Hazardous Materials Information Center and follow-up telephone discussion requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to the overpack marking requirement of §173.25(a)(4). You ask whether a box marked "OverPack" is acceptable to meet the "OVERPACK" mark specified by §173.25(a)(4).

In addition to the HMR, the requirement for the overpack marking is also found in the international standards and regulations, including the United Nations Recommendations on the Transport of Dangerous Goods (UN Model Regulations); the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions); and the International Maritime Dangerous Goods Code (IMDG Code). It is also under proposal for Transport Canada's Transportation of Dangerous Goods Regulations (Transport Canada TDG). The HMR, UN Model Regulations, IMDG Code, and proposed Transport Canada TDG standards are all consistent in specifying the "OVERPACK" marking. The only variation from this requirement is the ICAO Technical Instructions standard that specifies an "Overpack" marking.

The "OverPack" marking that you reference is not consistent with any of the existing or proposed standards and regulations and is therefore not acceptable to meet the requirements of §173.25(a)(4) of the HMR.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Babich
\$172.304
Marking
11-02/2

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, August 29, 2011 3:25 PM
To: Drakeford, Carolyn (PHMSA)
Subject: Interp Request

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks.
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: Carl Bollinger [<mailto:carl@zyvax.com>]
Sent: Friday, August 26, 2011 2:15 PM
To: INFOCNTR (PHMSA)
Subject: Overpack Labeling

To Whom It May Concern: I ordered around 600 OVERPACK boxes for hazmat shipping of 5 gallon pails. When I recieved them the Word was printed on the box, "OverPack", in upper and lower case letters. In looking at the 49 CFR I found where it is printed in all caps "OVERPACK". I called and talked to Michael Stevens at your office and he thought that the boxes would be ok but I would like to get something in writing stating that the boxes meet regulations in case there is a problem in the future. If they are not ok I would like to know as soon as possible so I can send the boxes back to the manufacturer.

Thank you, and would appreciate a speedy turn around on this issue.
Carl Bollinger
15412 Hwy 515 S
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706 698-4405 x13