



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 22 2012

Mr. Robert J. Ten Eyck
Director, Technical Services
TEN-E Packaging Services, Inc.
1666 County Road 74
Newport, MN 55055

Ref No. 12-0073

Dear Mr. Ten Eyck:

This is in response to your March 7, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to the testing and marking of a packaging. You cite a situation where a manufacturer contracts with a Department of Transportation (DOT) designated third party approval agency to certify and mark a UN 4G combination packaging. The packaging becomes due for periodic retesting and the manufacturer decides to conduct the retests itself. The results of the tests reveal that the packaging does not meet the tolerance requirements of the originally certified design, and the manufacturer conducts the tests as design qualification testing rather than a periodic retest. You ask if the manufacturer may continue to use the symbol of the third party approval agency that conducted the original design qualification testing as part of the specification marking on the packaging.

The answer is no. Continued use of the symbol of the third party approval agency is only permitted if the packaging does not differ from its original design certification. Section 178.3(a)(2) requires that a packaging manufactured to a UN standard be marked, in part, "with the name and address or symbol of the packaging manufacturer or, where specifically authorized, the symbol of the approval agency certifying compliance with a UN standard." Since the packaging no longer meets the requirements of the originally certified design, and the manufacturer conducts the new design certification testing, the third party approval agency is no longer in the position to certify compliance of the packaging. Continued use of the third party approval agency's symbol as part of the specification marking on the package would no longer be authorized.

I trust 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
3178.3
Marking
12-0073

March 7, 2012

Charles Betts
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Standards & Rulemaking PHH-10
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Charles:

We have a UN specification marking question that we would like your input on for the following scenario:

A box manufacturer contracts with a DOT recognized third party agency to certify a UN 4G combination packaging and then when the container is due for periodic retesting decides to self-certify the design but retain use of the third party agency marking. A check of the basis weights for the liners and medium reveals that the box construction falls outside the +/- 5% tolerance of the originally certified design and therefore the testing must be carried out as a design qualification rather than a periodic retest. Does the agency see a problem under this described situation with the continued use of the 3rd party agency symbol as a part of the specification marking?

Thank you for your guidance on this marking matter.

Sincerely,



Robert J. Ten Eyck
Director, Technical Services
TEN-E Packaging Services, Inc.

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