



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 30 1999

Sam Reeder, PhD
Quality Manager
Marsulex, Inc.
6800 W. Central Avenue
Suite L-1
Toledo, OH 43617

Ref. No. 99-0210

Dear Dr. Reeder:

This is in response to your letter and telephonic discussions with members of my staff concerning whether the use of two different primary hazard class labels and placards is permissible under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire whether a POISON GAS label and the new INHALATION HAZARD label may be displayed for an export shipment that you identify as Sulfur dioxide, 2.3 (8), UN1079. In addition, you inquire whether a highway transport vehicle or rail tank car may also display dual placards (old and new) for the poison inhalation hazard (PIH) material contained therein. You intend to export PIH materials to Canada and it is your understanding that Transport Canada does not recognize U.S. mandated PIH communication requirements.

The answer to your questions is yes, the dual display of the old POISON GAS label or placard and the new INHALATION HAZARD label or placard is acceptable. The old label and placard represent the hazard of the hazardous material contained in the package, transport vehicle or tank car and, therefore, their display are permitted under the conditions specified in §§ 172.401(a) and 172.502(a) respectively.

The effective date for use of the new Class 2 or Class 6 PIH label was October 1, 1999 (Docket HM-206). The display of the PIH label with the words "INHALATION HAZARD" is optional; however, when the words are not displayed on the label, the shipment must be marked "INHALATION HAZARD" as specified in § 172.313. As you are aware, an interim final rule was recently published (September 16, 1999; HM-206D; 64 FR 50260), which authorizes, under certain conditions, a transition period for use of the old labels under the IMDG Code and the Canadian TDG Regulations.



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172.502

For materials poisonous by inhalation, by all modes of transportation, the sole use of the old POISON GAS placard is permissible until October 1, 2001. When the words "INHALATION HAZARD" do not appear on the placards, as prescribed in § 172.540, the transport vehicle or rail car must be marked as prescribed in § 172.313.

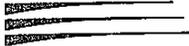
I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

MARSULEX.INC.



Suite L-1
6800 W. Central Avenue
Toledo, OH 43617

TEL: (800) 321-6282
(419) 841-9001
FAX: (419) 842-1130

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Stevens
§ 172.502
99-0210

Wednesday, July 28, 1999

Mr. Edward Mazzullo
Director of Office of Hazardous Materials Standards
U.S. D.O.T. / R.S.P.A. (D.H.M. 10)
400 7th Street, SW
Washington, DC 20590-001

Dear Mr. Mazzullo:

Please provide a Letter of Interpretation concerning the HM206 interpretation I received by telephone from the US DOT hotline. The interpretation I received allows the use of both the primary **INHALATION HAZARD** and **POISON GAS labels** at the same time on a shipment of sulfur dioxide, 2.3(8), UN1079 and the use of the primary **INHALATION HAZARD** and **POISON GAS placards** at the same time on a tank truck (or other over the road vehicle) or tank car. This interpretation is based on the opinion that the use of the two placards or labels at the same time was not confusing and thus would meet the requirements of 49CFR172.502 and would not fall under 49CFR172.401(b).

Thank you for your consideration.

Sincerely,

Sam Reeder PhD
Quality Manager

cc: D. Abbott

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