



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

JAN 20 2000

Mr. Jonathan A. Marks
Paperboard Products
21 Shafer Place
Hackensack, NJ 07601-2266

Ref. No: 99-0283

Dear Mr. Marks:

This is in response to your letter of October 14, 1999, requesting clarification of the marking requirements for UN standard packagings in § 178.503 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You reference a letter from this Office dated June 29, 1992, which states "for combination or composite packagings, the actual date of manufacture may be considered to be either the date on which the outer packagings was manufactured or the date on which the packaging was assembled (i.e., inner packagings placed in outer packaging with cushioning material)." You ask whether it is permitted for a packaging manufacturer to mark a combination packaging as meeting a UN standard but leave the date element blank so that the customer may fill in the date the packaging is "assembled" as discussed in our June 29, 1992, letter. You also ask what the packaging manufacturer's liability is when leaving an element in the specification marking blank.

As previously stated, a combination or composite packaging may be marked as being "manufactured" on the date on which the packaging was assembled. "Assembly" is the physical act of placing inner packagings or a liner into an outer packaging. A packaging manufacturer may leave the date element blank in the packaging certification marking; however, as required by § 178.2(c) each person to whom a packaging is transferred must be notified of all requirements not met at time of transfer. The notification for such a packaging should include a statement advising that the packaging is considered to meet the marked standards only when the customer has marked the year of assembly on the packaging. This is also true if the packaging manufacturer chooses to mark a future date on the packaging per a customer's request. The notification for such a packaging should state that the packaging is considered to meet the marked standard only if assembled in the year marked.



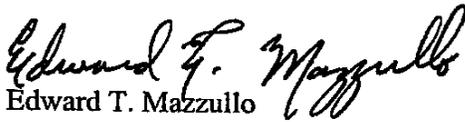
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Another option would be for a packaging manufacturer to manufacture the packaging to a tested UN standard, but not place any packaging certification marks on the packaging. The customer would then self certify as the manufacturer by placement of the complete required UN standard marking on the packaging.

I hope this information is helpful.

Sincerely,



Edward T. Mazzuolo

Director

Office of Hazardous Materials Standards

Paperboard Products

Division Of International Container Company
 21 Shafer Place
 Hackensack, N.J. 07601-2266
 201-440-1600 Fax 201-440-6740
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Edward Mazzullo, Director
 Office of Hazardous Material Standards
 DHM-10
 Research & Special Programs Administration
 400 7th Street, SW
 Washington, DC 20590-0001

Sent Via UPS "RED"
 Tracking No.
 1Z0789530110000533

Ref: Year Date Code for 4G UN Packaging

Dear Mr. Mazzullo,

October 14, 1999

I am writing to you for clarification as to the correct year date code required to be used on UN certified packaging. It is our understanding as documented in the IATA 39th edition, that the year date code should be the year in which the packaging was manufactured.

One of our customers (Dayron Inc.) has forwarded us a copy of a letter from your office. This letter is addressed to Alliant Tech Systems, Inc. and references their correspondence dated May 15, 1992.

In your response we are in complete agreement with your Q1 & A1, which states that the year code should be the year in which the packaging was manufactured. However, Q2 & A2 are confusing. The beginning of A2 is in agreement with A1 (year of packaging manufacture) but, halfway through it reads "*However, for combination or composite packaging, the actual date of manufacture may be considered to be either the date on which the outer packaging was manufactured or the date on which the packaging was assembled.*"

I telephoned your assistance number and was advised by a member of your staff that we had the option of either printing the year in which we manufacture the packaging, or leaving the year date code blank. If the year date is left blank it is our customers responsibility to ensure that the correct year date code is inserted at the time of their

actual packing of the carton. Additionally, this removes responsibility to us the box manufacture for the date coding. We are still required to manufacture the packaging in accordance with a certified test report.

If the date code is left blank how does the user of that package know when the material was actually manufactured? Isn't the date code required to verify that the package was made in accordance with a certified test report (2 year time period)?

Furthermore, in your letter you reference "assembly"; is this the assembly of materials used to manufacture the package(i.e. linerboard/medium), or is this the customers physical act of packing the box with their product, or the manufacture of their product which then gets placed within the package?

We request your immediate attention to this matter as our customer(Dayron Inc.) has a current government contract for which we require this matter clarified. They have requested we use the year code of "00". I have explained that in accordance with the documentation we have at this time this is not possible. We need to document the correct procedure to ensure compliance by us and our customers.

We thank you in advance for your prompt assistance with this matter. If you have any question, please do not hesitate to phone me at the above referenced numbers. Additionally, if possible could you please fax your response to 201-440-6740 as time is of the essence.

Sincerely,

Paperboard Products Div. Of
International Container Co.



Jonathan A. Marks
President