



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

400 Seventh St., S.W.
Washington, D.C. 20580

JUL 2 2002

Mr. John T. Beckman
Chemical Products Manager
Laidlaw Corporation
1212 East Fifth Street
Metropolis, Illinois 62960

Ref. No. 02-0088

This responds to your letter regarding your company's packages that display a "square-on-point" or diamond shaped label containing symbols of coat hangers in colors of red, green, or blue, and whether such labels violate the prohibited labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Examples of your company's labels were submitted for our review.

A package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label displayed on a package containing a hazardous material is prohibited in accordance with § 172.401(b) of the HMR. It is this Office's opinion that the square-on-point clothes hanger labels submitted for our review are the same "shape" (square-on-point or diamond shape) as hazard warning labels used on packages containing hazardous materials, and the colors, "blue, green, or red", conflict with the hazard warning label format prescribed in § 172.407. Therefore, the square-on-point labels displaying "clothes hanger" symbols displayed on your company's packages are unacceptable and prohibited in accordance with § 172.401(b).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings
Chief, Standard Development
Office of Hazardous Materials Standards



02-0088

172-401



Laidlaw
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Engrum
§172.401(b)
Labeling
02-0088

March 6, 2002

Edward Mazzullo
Director of OHMS
US DOT/RSPA (DHM-10)
400 7th St. SW
Washington, DC 20590

Dear Edward Mazzullo,

I would like to have the OHMS make a determination of an interpretation of the following regulation: 49 CFR Part 172.401(b).

Our company manufactures wire coat hangers, and they are generally packaged 500 per carton. It has been brought to our attention that our carton(s) too closely resembles a carton marked for hazardous materials. This is due to our diamond shaped scheme and the different colors we use for different styles of hangers.

I am enclosing copies of 4 of the print cards of the cartons. In addition, I am enclosing a CD-ROM of the 4 cartons in .pdf format so that they may be more closely examined.

If possible, in addition to a written determination, I would like to be called when the determination is made. My phone number is (618) 524-9394 or (800) 851-7731.

Regards,

John T. Beckman
Chemical Products Manager
Laidlaw Corp.



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April 16, 2002

Helen Engrum
C/O Edward Muzzullo
Director of OHMS
US DOT/RSPS (DHM-10)
400 7th Street SW
Washington, DC 20590-0001

Dear Helen Engrum,

I am enclosing several different panels in various colors and sizes that was cut from our hanger cartons that we are asking for a determination of an interpretation of 49 CFR Part 172.30 (b).

I appreciate your phone call today and await the decision in this matter.

Sincerely,

John T. Beckman
Chemical Products Manager
Laidlaw Corporation

Enclosures (7)