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

JAN 28 2004

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

Ms. Teresa L. Medley
Director, Regulatory Affairs
Unilever Home & Personal Care - USA
75 Merritt Boulevard
Trumbull, CT 06611

Reference No.: 03-0291

Dear Ms. Medley:

This is in response to your letter requesting clarification of the marking requirements for packagings containing limited quantities and ORM-D materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

As you are aware, in RSPA Docket HM-215E (68 FR 44991) we added a new section, § 172.315, into the HMR that authorizes an alternative marking requirement for packagings containing limited quantities of hazardous materials. This section allows limited quantity packagings to be marked with the ID number placed within a diamond. This marking is optional and may be used in lieu of the marking requirements prescribed in § 172.301(a). Section 172.315 does not apply to packagings containing ORM-D materials. The marking requirements in § 172.316 that apply to ORM-D materials remain unchanged.

I trust this satisfies your inquiry.

Sincerely,

Hattie L. Mitchell

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

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§172.316
Markings
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November 14, 2003

U.S. Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards
400 Seventh Street, SW
Washington, DC 20590
Attention: Mr. Ed Mazzullo

Re: New "Limited Quantity" Marking

This letter is written to request clarification of the applicability of the new "limited quantity" marking requirement to shipments containing consumer commodities. Docket No. HM-215E proposed a mandatory marking for limited quantities, which consists of the ID Number for the material in letters and numerals at least 6mm in height placed within a square-on-point border with a line width of at least 2mm.

While HM-215E proposed a mandatory marking for all limited quantities, the final rule allows the shipper to use either the new marking, or to mark limited quantity packages as currently required by the HMR. The current rule at 49 CFR 172.316 requires that "Consumer Commodities":

> be marked on at least one side or end with the ORM-D designation immediately following or below the proper shipping name of the material.

Moreover, "Consumer Commodity" materials are not further identified by a UN/NA ID Number (49 CFR 172.101 - Hazardous Materials Table). Thus, logic would indicate the UN Identification number is not required for Consumer Commodity shipments; however, formal clarification on this pointed would be appreciated.

Sincerely,

Teresa L. Medley

Teresa L. Medley
Director, Regulatory Affairs

cc: Rajiv Tata, UNUS Legal

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