



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

NOV -9 2004

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

Mr. Lonnie Jaycox
C.L. Smith Company
1311 South 39th Street
St. Louis, MO 63110-2535

Ref. No.: 04-0252

Dear Mr. Jaycox:

This is in response to your November 3, 2004 letter concerning prohibitive marking under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if the logo depicted below is prohibited under the provisions of § 172.312(b).



The answer is no. Section 172.312(b) prohibits the use of arrows for purposes other than indicating proper package orientation on packages containing liquid hazardous materials. It is our opinion that the "Transit Tested" logo depicted is sufficiently distinct from any orientation marking referenced by the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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



040252

172.303
172.312 (b)

Pollack
172.303
§ 172.312 (b)
Marking
04-0252

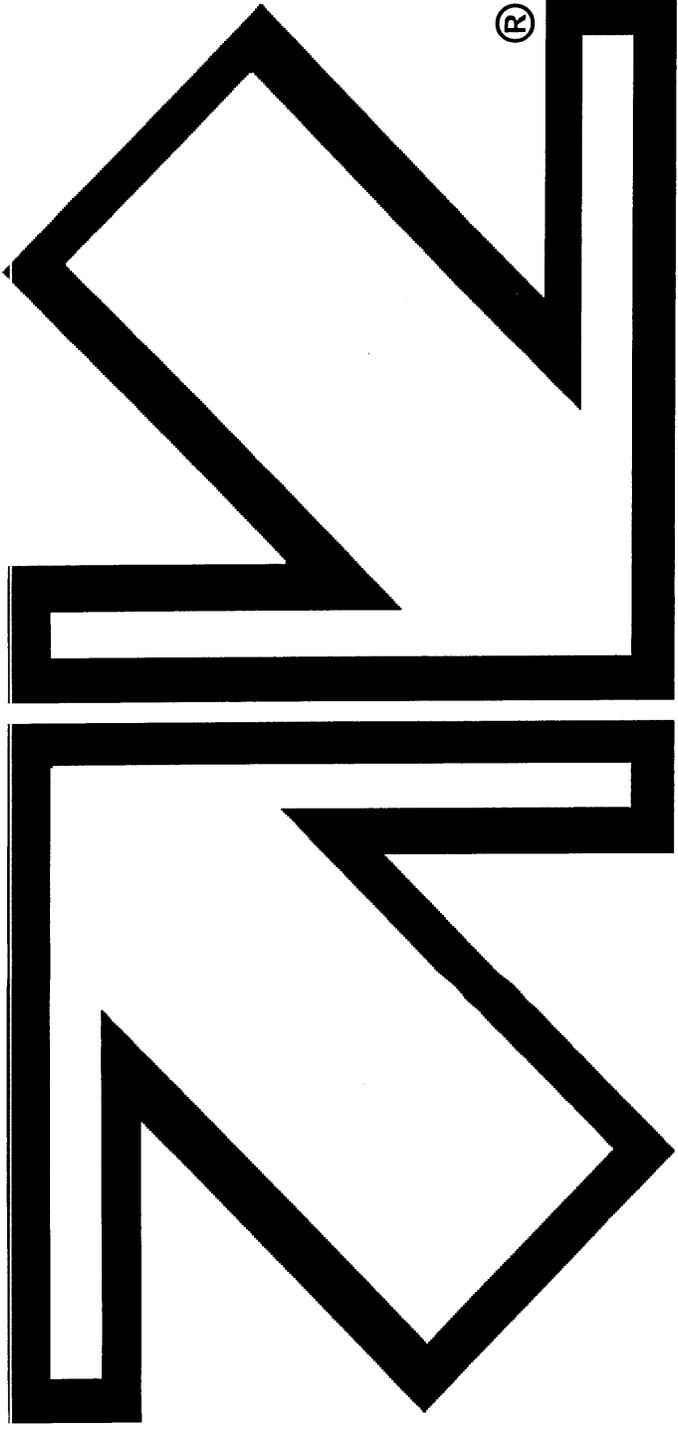
INFOCNTR

From: lonnie jaycox [ljaycox@clsmith.com]
Sent: Wednesday, November 03, 2004 3:29 PM
To: INFOCNTR
Subject: C.L. Smith Cert Mark.pdf

Attached is the artwork provided to us by ISTA for use in marking cartons that comply with a test protocol used for the parcel environment. My question is this:
Is the display of this logo on a 4G carton a violation of 49 CFR 172.312(b)?
This logo is 2"x3" on the carton.

Lonnie Jaycox
CL Smith Co.
1311 South 39th Street
St. Louis, MO 63110
ljaycox@clsmith.com
314-771-1202, ext: 267

TRANSIT TESTED



INTERNATIONAL SAFE TRANSIT ASSOCIATION

MANUFACTURER'S LICENSE NUMBER:

1481

The manufacturer certifies that this **PACKAGED-PRODUCT** has passed preshipment testing requirements established by ISTA.