



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**MAY 08 2018**

Tom Ferguson  
Sr. Technical Consultant  
Council on Safe Transportation of Hazardous Articles  
10 Hunter Brock Lane  
Queensbury, NY 12804

Reference No. 17-0141

Dear Mr. Ferguson:

This letter is in response to your December 21, 2017, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to label specifications. Specifically, you are concerned about recent amendments that mandated a specific inner border line width of at least 2 mm as adopted in the final rule titled "Hazardous Materials: Harmonization with International Standards (RRR)" and published in the *Federal Register* on January 8, 2015, under Docket No. PHMSA-2013-0260 (HM-215M).

The HM-215M final rule revised § 172.407(c)(1) to require that: (1) each diamond (square-on-point) label prescribed in the HMR must be at least 100 mm (3.9 inches) on each side with each side having a solid line inner border 5 mm inside and parallel to the edge; (2) the 5-mm measurement is from the outside edge of the label to the outside of the solid line forming the inner border; and (3) the width of the solid line forming the inner border must be at least 2 mm.

The HM-215M final rule provided transition periods for the adopted amendments, prescribing in § 172.407(c)(1)(iii) that for domestic transportation, a label in conformance with the requirements of § 172.407(c)(1), revised as of October 1, 2014, is authorized for use until December 31, 2016. The effective date was subsequently revised to December 31, 2018, in a final rule published in the *Federal Register* on March 30, 2017, under Docket No. PHMSA-2015-0273 (HM-215N).

The amendments described above were part of a broader effort to improve consistency across label specifications and reduce transportation impediments worldwide. However, upon implementation of the amendments, it became apparent that specifying a minimum width inadvertently posed unintended consequences such as those you highlight in your correspondence. As such, PHMSA worked collaboratively at the 51st Session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods in July 2017 to address this issue, where it was agreed that specifying a minimum thickness for line width was not necessary for safety reasons. Based on the Sub-Committee's discussion, the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) have

rescinded the size requirements adopted in the 2015 United Nations Model Regulations effective January 1, 2019. We support this action. These consequential amendments will be considered for implementation by PHMSA as expediently as possible in an upcoming rulemaking action.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. C. Kelley', with a long horizontal flourish extending to the right.

Shane Kelley  
Director  
Standards and Rulemaking Division



Council on Safe Transportation of Hazardous Articles

Stevens  
§ 172.407(c)(1)  
Labeling  
17-0141

December 21, 2017

U.S. Department of Transportation  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001  
[Phmsa.hm-infoceter@dot.gov](mailto:Phmsa.hm-infoceter@dot.gov)

Dear Hazardous Materials Information Center,

COSTHA is requesting a letter of interpretation regarding size requirement of the label border noted in § 172.407(c)(1). Specifically, we are questioning the requirement for the width of solid line forming the inner border on hazard class labels to be at least 2 mm. COSTHA notes that this requirement was originally adopted as part of the HM-215M Rulemaking process which became effective January 2017. We also note that this language has caused confusion at the international level, and the United Nations Subcommittee of Experts recently adopted language to clarify the width of the line may be "approximately" 2 mm instead of "at least 2mm."

COSTHA members are experiencing inflexible interpretations on the language, particularly in the air mode. Both enforcement officials and international air operators accepting cargo in the US have indicated the width of the border must be at least 2 mm and have measured the thickness during the acceptance process. We also note similar information has been provided to companies involved in PHMSA's Systems Integrity Safety Program (SISP). PHMSA employees reviewing companies have noted the size difference on labels and recommended they all be changed to the 2-mm standard.

Costs associated with rejected air shipments can be significant. Often materials and equipment are offered for air because they are time-sensitive and must arrive faster than is possible for ground shipments. By the time a shipment is rejected and returned to the shipper, at least a full day is lost. In some instances, this delays manufacturing, retooling, automotive manufacturing, the aerospace and chemical industries to name a few. Manufacturing for the US defense industry can also be impacted. The cost for missed contract deadlines and delays in manufacturing can easily run to hundreds of thousands of dollars per instance.

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An automotive supplier reports that a single rejected air shipment of a critical part nearly cost them a penalty of \$14,000 per minute. This is the cost that would have been incurred if the customer shut down their line due to the lack of parts. They also would have incurred the expensive shipping fees associated with the shipment.

The same automotive supplier reports that the 2mm line issue cost them \$96,000 in reprinting packages to ensure they would not have critical shipments rejected. These fees included; new print plates, scraping old packaging, and applying labels on packaging.

In this situation the width of the hazard class label has no bearing on the safe transportation of regulated materials and enforcement and rejection of these shipments causes a large and unnecessary burden to industry. Delays in transport can also have a negative impact on safety and cause unnecessary congestion in terminals and impact safety.

PHMSA has provided a transition period for the 2-mm line width to be implemented. § 172.407(c)(1)(iii) indicates that labels in conformance with the 49 CFR as of October 1, 2014 may continue to be used until December 31, 2018. Therefore, we believe that labels that have a line width approximately 2 mm but not necessarily at least 2 mm would be acceptable even under the current text of 49 CFR.

We further understand the International Civil Aviation Organization (ICAO) Dangerous Goods Panel has considered the issue and will be addressing the topic in a future revision to the ICAO Technical Instructions on the Safe Transport of Dangerous Goods by Air. It would be beneficial to industry to understand the direction of the ICAO Dangerous Goods Panel if that is possible.

Therefore, we respectfully request PHMSA confirm that a label designed and printed in conformance with § 172.407 but has a solid line that serves as the inner border of the label that is approximately 2 mm but not necessarily at least 2 mm in thickness is acceptable for transport by all modes under 49 CFR.

We appreciate your review and prompt response. If you have any questions regarding this request, please feel free to call me at +1.518.761.0389, Ext. 204 or tom@costha.com.

Sincerely,



Tom Ferguson  
Sr. Technical Consultant