



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

SEP 30 2014

Ms. Lara Currie  
Administrator  
Council on Safe Transportation of Hazardous Articles  
10 Hunter Brook Lane  
Queensbury, NY 12804

Reference No. 14-0165

Dear Ms. Currie:

This is in response to your September 3, 2014 email and subsequent conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the Class 9 miscellaneous hazard class warning label. Specifically, you ask if a Class 9 label conforming to requirements in place on August 18, 2011, containing a horizontal line dividing the upper and lower half of the label, may continue to be used after the October 1, 2014 transition date provided in § 172.446(c).

The answer is yes. In a final rule issued under Docket No. PHMSA-2009-0151 (HM-218F; 76 FR 43510) PHMSA revised the illustration of the Class 9 label in § 172.446(a) by removing the horizontal line dividing the upper and lower halves. The intent of this revision was to harmonize the visual representation of the Class 9 label illustration found in the HMR with that appearing in the UN Model Regulations and relevant international regulations authorized for use by 49 CFR Part 171 Subpart C. While the line no longer appears in the pictorial illustrations within the HMR or international regulations, it is the opinion of this Office the use of the horizontal line does not pose a safety concern and we further note that § 172.446(b) provides that the solid horizontal line dividing the lower and upper half of the label is optional.

In addition, section 172.560 prescribes the requirements for the Class 9 placard. The illustration in § 172.560(a) includes a horizontal center line which is not present in corresponding international standards. As the Class 9 placard is ostensibly similar to the Class 9 label, it is the opinion of this Office that a Class 9 placard without a horizontal center line does not pose a safety concern and as such, a solid horizontal line dividing the lower and upper half of the placard is optional.

I hope this satisfies your request.

Sincerely,

Charles E. Betts  
Director  
Standards and Rulemaking Division