



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 "S. Kelley", with a long horizontal flourish extending to the right.

Shane Kelley
Director
Standards and Rulemaking Division