



Council on Safe Transportation of Hazardous Articles

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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

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