



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

November 18, 2024

Jennifer Fletcher
Director, Transportation Compliance
Veolia North America
1 Eden Lane
Flanders, NJ 07836

Reference No. 24-0015

Dear Ms. Fletcher:

This letter is in response to your March 4, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to overpack marking and labeling requirements. Specifically, you state your understanding that for lab packs prepared in accordance with § 173.12(b), the outside of the overpack—when packages are secured to a pallet with clear shrink-wrap—are provided an exception from the overpack marking and labeling requirements in § 173.25(a)(2), except that labels representative of each hazard class or division in the overpack must be visibly displayed on two opposing sides. Furthermore, you seek clarification of previously-issued letter of interpretation (LOI) Reference No. 94-0135, which also covers the topic of overpack marking and labeling.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether Veolia's understanding of lab pack overpack marking and labeling requirements is correct.
- A1. The answer is yes. As prescribed in § 173.12(f), lab packs conforming to the requirements of § 173.12(b) are not subject to the overpack marking and labeling requirements in § 173.25(a)(2) of the HMR when secured to a pallet with shrink-wrap or stretch-wrap except that labels representative of each hazard class or division in the overpack must be visibly displayed on two opposing sides. Please note that the lab packs are still subject to all other requirements in § 173.25(a)(1)-(7).

Q2. You ask whether LOI Reference No. 94-0135 remains valid.

A2. The answer is yes. LOI Reference No. 94-0135 remains accurate based on the scenario presented in the incoming request. However, we caution its use with regard to your understanding of the § 173.12 lab pack provisions because it is not entirely clear that the packages—as presented in the request—are managed as lab packs.

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 "Dirk Der Kinderen".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Request for Written Letter of Interpretation (Overpacks)
Date: Wednesday, March 6, 2024 2:54:37 PM
Attachments: [Overpack Marking and Labeling Requirements - VNA Request 3-3-24.pdf](#)

Hi Alice,

Please see the attached interpretation request.

Let me know if you need anything.

Regards,

-Breanna

From: Fletcher, Jennifer <jennifer.fletcher@veolia.com>
Sent: Monday, March 4, 2024 6:03 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Written Letter of Interpretation (Overpacks)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good evening, please accept Veolia's request for a written letter of interpretation from PHMSA regarding the marking and labeling requirements of overpacks.

Thank you,

Jennifer Fletcher
*Director, Transportation Compliance
Technical and Performance
VEOLIA NORTH AMERICA*

cell
+1 862 432 9778

1 Eden Lane, Flanders NJ 07836
jennifer.fletcher@veolia.com
www.veolianorthamerica.com

[*Check out the Veolia Transportation Compliance Page on One to One!*](#)





March 3, 2024

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

RE: Request For Interpretation Regarding The Marking and Labeling of Overpacks Containing Hazardous Waste

To Whom It May Concern:

Please accept this letter as a request for a formal written interpretation from your office. Veolia requests guidance on the Hazardous Materials Regulations (HMR) requirements applicable to marking and labeling the outside of an overpack containing hazardous waste (ie, specification containers secured to a pallet with clear shrinkwrap).

Non-Bulk UN Specification Packages Containing Hazardous Material or Hazardous Waste

It is Veolia's understanding that an overpack used for the convenience of handling multiple specification packages containing hazardous waste or hazardous materials must be marked and labeled in accordance with 49 CFR §173.25 as follows:

- 1) The shipping name and UN identification number and hazard class label for each hazardous material contained therein, unless marking and labels representative of each hazardous material in the overpack are visible;
- 2) Package orientation marking arrows on two opposite vertical sides of the overpack with the arrows pointing in the correct direction of orientation when packagings that require orientation marking arrows are present in the overpack;
- 3) Marked with the word "OVERPACK" when specification packagings are required. The "OVERPACK" marking is not required when the required markings representative of each package type contained in the overpack are visible from outside of the overpack. The lettering on the "OVERPACK" marking must be at least 12 mm (0.5 inches) high.

Lab Packs Containing Hazardous Waste

For lab packs prepared in accordance with 49 CFR §173.12(b), the outside of the overpack (packages secured to a pallet with clear shrinkwrap) is provided an exception from the overpack marking and labeling requirements in §173.25(a)(2) except that labels representative of each Hazard Class or Division in the overpack must be visibly displayed on two opposing sides. Therefore each overpack containing lab packs must be marked and labeled with the following:

- 1) The hazard class label for each hazardous waste contained therein, unless the labels representative of each hazardous waste in the overpack are visible;
- 2) Package orientation marking arrows on two opposite vertical sides of the overpack with the arrows pointing in the correct direction of orientation when packagings that require orientation marking arrows are present in the overpack;
- 3) Marked with the word "OVERPACK" when specification packagings are required. The "OVERPACK" marking is not required when the required markings representative of each package type contained in the overpack are visible from outside of the overpack. The lettering on the "OVERPACK" marking must be at least 12 mm (0.5 inches) high.

USDOT Interpretation Letter, Reference Number 94-0135, is currently posted on the PHMSA website and flagged as "Use Caution". In this letter, PHMSA indicates that each overpack must have markings and labels representative of each hazardous material contained therein unless the markings and labels on the packages are visible (see §173.25).

Veolia North America
1 Eden Lane, Flanders, NJ 07836
tel 862-432-9778

www.veolianorthamerica.com



Via this request, Veolia asks PHMSA to confirm that:

- 1) Veolia's understanding of the marking and labeling requirements for overpacks containing non-bulk specification packages of hazardous material or hazard waste and lab pack packages containing hazardous waste is correct; and
- 2) The guidance originally provided in USDOT Interpretation Letter Reference Number 94-0135 is still correct and accurate in accordance with the current Hazardous Materials Regulations.

If you have any questions regarding this request please contact me at: jennifer.fletcher@veolia.com or 862-432-9778.

Sincerely,

Jennifer Fletcher
Director, Transportation Compliance
VEOLIA NORTH AMERICA



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 20 1994

Ms. Beth Hagstad
Environmental Affairs Specialist
Carter-Wallace, Inc.
P.O. Box 1001
Cranbury, NJ 08512-0181

Dear Ms. Hagstad:

This is in response to your letter concerning labeling requirements for hazardous materials which are now being disposed of as hazardous wastes. You state that packages will be palletized and shrinkwrapped and ask if you may place the required DOT labeling on the shrinkwrap and not on the individual cartons. I apologize for the delay in responding and hope it has not caused any inconvenience.

The answer is no. The labeling requirements found in 49 CFR 172.400 require each non-bulk package to be labeled with the label specified for the material in the § 172.101 Table. In addition, each overpack (e.g., shrinkwrap) must bear markings and labels representative of each hazardous material contained therein, unless the markings and labels on the packages are visible (see § 173.25).

I hope this information is helpful.

Sincerely,

Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards

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Ap 2 of 1

File 172.4000
50:250,399

CARTER-WALLACE, INC.

HALF ACRE ROAD • P.O. BOX 1001 • CRANBURY, NEW JERSEY 08512 0181 • TEL: (609) 655-6000
FAX: (609) 655-6660

August 4, 1993

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards, DHM-10
US Department of Transportation
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, DC. 20590-0001

AUG 13 1993

[Handwritten signature]

Dear Mr. Mazzullo,

Carter-Wallace, Inc. a manufacturer of consumer products, toiletries, pet care and pharmaceuticals, is requesting clarification on the placement of markings and labels on overpacks containing hazardous materials under the Hazardous Materials Regulations (HMR; 49CFR Parts 171-180). Our question is as follows:

*DISCUSSED
by phone*

Carter-Wallace, Inc. is a manufacturer of consumer products that when transported for sale are classified as ORM-D. Several consumer products, once expired and no longer saleable, meet the definition of hazardous waste for disposal purposes. The expired products, now hazardous materials, in their original shipping cartons (ORM-D) are sorted by hazard class, which in our case includes flammable (aerosols), flammable liquid and corrosive. These are placed on pallets according to hazard class and shrinkwrapped for consolidation. The original consumer shipping cartons are not relabeled but the shrinkwrap is labeled for transportation in accordance with DOT labeling requirements. *is it see through?*

QUESTION

Carter-Wallace, Inc. has obtained a copy of a letter (July 22, 1992; USDOT to Akzo Coatings, Inc.) stating that shrinkwrap is considered an overpack when consolidating packages on a pallet. When the hazardous materials, in our case hazardous waste, contained on the pallet are the same hazard class is it acceptable to place the required labeling (hazardous waste and DOT diamond) on the shrinkwrap and not the individual cartons?

Should you require further information pertaining to our question please contact me at (609) 655-6876.

*Spoke w/Beth
7/6/94. Needs it
re: labeling the overpack
only*

D -

*7459
QP 2 of 2*

Sincerely,

Beth Hagstad

Beth Hagstad
Environmental Affairs Specialist