



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

1200 New Jersey Avenue, SE
Washington, DC 20590

November 7, 2022

Robert Richard
President
Hazmat Safety Consulting, LLC
10036 Lake Occoquan Drive
Manassas, VA 20111

Reference No. 22-0120

Dear Mr. Richard:

This letter is in response to your October 24, 2022, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to special permit markings on packages. Specifically, you seek clarification on the requirements in § 173.29(b) which states that an empty packaging is not subject to any other requirements of the HMR provided certain conditions are met, including paragraph (b)(1), which states that any hazardous material shipping name and identification number markings, any hazard warning labels or placards, and any other markings indicating that the material is hazardous (e.g., RQ, INHALATION HAZARD) must be removed, obliterated, or securely covered in transportation. You state that one of your clients ships empty multiple-element gas containers (MEGCs) that have previously contained hazardous material for retesting and refurbishment, and while they cover all hazardous material shipping names, identification numbers, and placarding; some of the MEGCs also have visible special permit (SP) markings which indicate that the tubes on the MEGC are requalified every 10 years vs. 5 years or that MEGCs are permitted to be retested via the ultrasonic test method. You ask whether the SP markings on the tubes of the MEGC need to be securely covered to satisfy the requirements of § 173.29(b)(1)

The answer is no. The mere presence of the SP marking on the packaging would not indicate that a hazardous material is present at a particular point in time. It is, rather, an indication that the package meets the minimum SP conditions represented by the marking.

This is similar to a package specification marking, which may remain visible in transportation provided the packaging meets the marked specification - whether containing a hazardous material or not.

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 "Shane C. Kelley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Shane C. Kelley
Director
Standards and Rulemaking Division
Office of Hazardous Materials Safety



22-0120

Larson

October 24, 2022

Shane Kelly
Director Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: Standards and Rulemaking Division, PHH-10
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
East Building, Floor 2
Washington, DC 20590-0001

Subject: Request for Interpretation; Special Permit Markings on Empty Packages

Dear Mr. Kelley,

I am writing to confirm my understanding of the requirements for removing, obliterating, or securely covering special permit markings (e.g., DOT-SP XXXXX) in relation to § 173.29(b)(1). One of our clients ships empty MEGCs, that have previously contained hazardous material for retesting and refurbishment. The process includes ensuring that the MEGCs have all hazardous material shipping names, identification numbers, and placarding securely covered to meet compliance with § 173.29(b)(1). Some of the MEGCs at times will also have DOT-SPs markings as required by various special permits when in commerce. Some of the special permit markings are for example only to indicate that tubes are requalified every 10 years vs. 5 years or that MEGCs are permitted to be retested via the ultrasonic method and have no other hazardous material relevance.

In this regard (and even if there is an association of the special permit to a specific hazardous material), if a DOT-SP number is on a package, is that an indication that a hazardous material is contained in the package (even if it is otherwise known to be empty) and would the special permit marking need to be covered in order to be in compliance with § 173.29(b)(1)?

In discussion with your staff, we received an initial response to our question:

“An SP marking is similar to a specification marking in that if appearing, any terms of the SP that relate to the package would need to be met. The mere presence of the SP marking would not indicate that a hazmat is contained in the package at a particular point in time. It is, rather, an indication that the package meets the minimum SP conditions represented by the marking. This is, again, similar to how we would view a specification marking on a package.”

We agree with the initial response we received but are requesting a letter of interpretation to confirm the initial response and our understanding that the special permit markings would not need to be covered on empty packages.

Respectfully,

Robert A. Rief

Robert Richard
President Hazmat Safety Consulting, LLC
10036 Lake Occoquan Drive
Manassas, VA 20111

