



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

JUL 26 1999

8172.401  
Seventh Street, S.W.  
Washington, D.C. 20590

Ref. No. 99-0127

Mr. Scott Holder  
Federal-Mogul Powertrain Systems  
P.O. Box 910  
Manitowoc, WI 54221-0910

Dear Mr. Holder:

This is in response to Mr. Peter Madden's letter regarding the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of paint to obliterate labels on non-bulk packagings. Mr. Madden requested that we address the response to you.

Specifically, Mr. Madden asked whether the use of paint to cover nonapplicable labels is acceptable, or must the label be removed. He stated that only required markings and labels would be visible on the packages. The packages contain hazardous waste prepared for transportation in accordance with the provisions in §§ 173.12(c) and 173.28(b)(6).

The HMR does not prohibit the use of any paint to completely obliterate nonapplicable labels. Such nonapplicable labels must be obliterated, removed or securely covered during transportation. Markings and labels such as for advertising are permitted, provided they do not create or cause confusion with any required marking or label.

I hope this information is helpful. If you need further assistance, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell, Chief  
Regulatory Review and Revision  
Office of Hazardous Materials Standards



990127

cc: Mr. Peter Madden

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# CARDINAL



## ENVIRONMENTAL

May 17, 1999

Mr. Edward Mazzullo  
U.S. Department of Transportation  
Director of Office of Hazardous Materials Standards  
400 7<sup>th</sup> Street, SW  
Washington, D.C. 20590

FAX: (202) 366-3012

Dear Mr. Mazzullo;

RE: REQUEST FOR CLARIFICATION ON MASKING UNNECESSARY INFORMATION ON  
DRUMS USED FOR SHIPMENT OF HAZARDOUS MATERIALS

This letter is being written on behalf of Scott Holder, Federal-Mogul Products Systems, P.O. Box 910, Manitowoc, Wisconsin, 54221-0910. Please send to Mr. Holder at that address.

Federal-Mogul complies with 49 CFR 173.12 (c), and 173.15 and 173.16 by the one-time re-use of containers for the shipment of hazardous materials. It is Federal-Mogul's practice to use spray paint, in a color that matches the color of the drum, to cover up the old labels or other information on a drum to be used for the shipment of hazardous materials. Only the required DOT markings and labels are allowed to be visible on the drum. A consultant reviewing Federal-Mogul's practices is of the opinion that a container (reuse drum) can not have labels that have been masked with spray-paint. The labels must be removed.

Since the masking of the unnecessary information on the drum prevents compliance with the required DOT markings, and there appears to be no provision of the regulations to mask the non-required data, the Federal-Mogul procedure is not acceptable. Please indicate in writing if this understanding agrees with you. If you have any questions, or need further information, please contact Mr. Holder at 920-724-7224, and Mr. Holder can be reached at 920-884-7881.

Thank you for your consideration.

Sincerely,  
*Peter Madden*  
Peter Madden  
Operations Manager

c: Scott Holder, FMPS

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