



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

SEP 28 2007

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Mr. Michael Morrisette  
Dangerous Goods Advisory Council  
1100 H Street, NW Suite 740  
Washington, DC 20005

Ref. No. 07-0156

Dear Mr. Morrisette:

This responds to your February 22, 2007 letter requesting clarification of labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether pictograms described in the UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS) are prohibited under § 172.401 of the HMR.

For purposes of clarifying language in this letter, the GHS defines a pictogram as “a graphical composition that includes a (hazard) symbol plus other graphic elements, such as a border, background pattern or color that is intended to convey specific information” and GHS states all hazard pictograms should be in the shape of a square set at a point (i.e., square-on-point). This definition and design of GHS pictograms is similar to the label specifications in § 172.407 of the HMR.

Section § 172.401(b) prohibits the transportation of a package bearing any marking or label which by its color, design, or shape could be confused or conflict with a hazard warning label prescribed in the HMR. The prohibition is intended to preserve the effectiveness of DOT’s hazard warning communication system by preventing dilution of the distinctive DOT labels. Pictograms (on labels) developed in accordance with the labeling procedures of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS (Rev. 1) (2005)) and displayed on packages used in transportation are not prohibited under § 172.401. The GHS was the result of an international effort supported by the United States, which included representation from the U.S. Consumer Product Safety Commission, the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and U.S. DOT. The pictograms employed by the GHS were developed based largely on the existing hazard communication standards for transport to ensure consistency of hazard communication for a variety of applications and contexts. As such, the GHS pictograms are intentionally consistent with the symbols used in the labels and placards required by the HMR and used in international regulations and standards including the International Civil Aviation Organization’s Technical Instructions on the Safe Transport of Dangerous Goods, the International Maritime Dangerous Goods Code, and the United Nations Recommendations on the Transport of Dangerous Goods. Therefore, when displayed in accordance with the



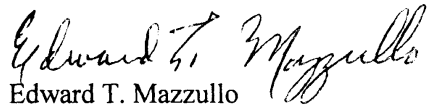
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172.401  
172.407

GHS, we do not consider these pictograms to be confusing or conflicting in accordance with § 172.401(b) of the HMR. Additionally, this clarification will be proposed in a future rulemaking.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

A handwritten signature in black ink that reads "Edward T. Mazzullo". The signature is written in a cursive style with a large, stylized "M".

Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards



464233  
**Dangerous Goods Advisory Council**

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§172.401(c)  
Labeling

07-0156

February 22, 2007

Mr. Edward Mazzullo  
Director, Standards Division  
Hazardous Materials Safety  
Pipeline and Hazardous Materials Safety Administration  
U. S. Department of Transportation  
Washington, DC 20590

Request for interpretation and petition for rulemaking

Dear Mr. Mazzullo:

This is to clarify that pictograms described in the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) are not prohibited under §172.401(b).

The United Nations Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling established the goal of implementing the GHS in 2008. To facilitate international trade, it is important that packages bearing GHS pictograms are acceptable for transport in the US.

The GHS pictograms may appear on packages used in transportation. For example, Annex 7 of the GHS shows examples of GHS pictograms appearing on drums. The GHS pictogram typically consists of a red bordered diamond with a hazard symbol such as a "flame" or "skull and cross bones" appearing inside. It would be expected to be smaller than the transport label required under DOT and international transport regulations.

We understand that based on clarification of the relationship between transport labels and GHS pictograms in Annex 7 of the GHS, PHMSA accepts that both GHS pictograms and transport labels may be visible on packages in transportation.

We would appreciate your confirmation by a letter of interpretation that a GHS pictogram visible on a package in transportation is not prohibited under §172.401(b). In addition, we are petitioning that this be clarified in the regulations by incorporation of the GHS by reference in §171.7 and amendment of §172.401(c) by the addition of new text reading as follows:

(5) The Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

We appreciate your consideration of this matter.

Sincerely,

*Michael Morrissette*

Michael Morrissette  
President