



(2) 49 CFR 162.19(1)(a) requires that the word "Poison" be in red on a contrasting background. DOT poison labels require black on a white background. This color difference would merely add further confusion to the recognition problem discussed above.

(3) There may be many occasions where the EPA label is not required on the outside shipping container itself. Section 162.19(a)(4)(1) requires a label on the "...outside wrapper or container, if it is part of the package as customarily distributed or sold." It was the stated intent of the EPA, as expressed in the Preamble to the amendment to that section on July 3, 1975 (Federal Register, Vol. 40, No. 129, P. 28251), that a label is only required "...on the outside wrapper or container of a retail package." However, when the DOT poison label is required, it must be on all outside packages containing Class B poisons, whether the package is to be used for retail purposes or if it is to be used for protection during shipment only.

For the reasons stated above, this Office does not feel that your petition of December 11, 1975 will result in a level of safety equal to, or greater than, that provided for by the regulations currently in effect.

Sincerely,

Alan I. Roberts  
Director  
Office of Hazardous Materials  
Operations

cc:Official File: 1205

NRH-22:JCALLEN:vs:54962:6/3/76