



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

NOV 28 2006

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

Ms. Carrie Wayne  
NAR Logistics Safety Manager  
Rohm and Haas Company  
100 Independence Mall West  
Philadelphia, Pennsylvania 19106

Ref. No. 06-0224

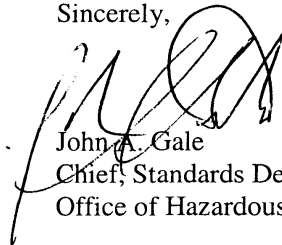
Dear Ms. Wayne:

This responds to your October 6, 2006 letter requesting clarification on marking requirements under § 172.313(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if it is permissible to mark a non-bulk packaging used to transport Division 6.1 materials with the word "Toxic" instead of "Poison."

The HMR permit the use of either the word "Poison" or "Toxic" on shipping papers (see § 172.203) and labels (see § 172.430). Moreover, the HMR permit the word "toxic" to be used interchangeably with the words "poison" or "poisonous" in shipping descriptions and proper shipping names (see § 172.101(c)(3)). It was our intention to permit the same flexibility for package markings. Therefore, you may use the word "Toxic" instead of "Poison" when marking an outer packaging used for Division 6.1 materials.

I hope this answers your inquiry.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



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172.313 (b)

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§172.203  
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Markings  
06-0224



October 6, 2006

Ms. Susan Gorsky

Regulations Officer

U. S. Department of Transportation

Pipeline and Hazardous Materials Administration

Office of Hazardous Materials Standards

PHH-10

400 7th St., S.W.

Washington, DC 20590-0001

Via email:susan.gorsky@dot.gov

Dear Ms. Gorsky,

The U. S. Department of Transportation's Hazardous Materials Regulations allow the substitution of the word "toxic" for the word "poison" when preparing shipping papers (172.203) and on labels (172.430). The regulations do not, however, specify whether this practice is acceptable when marking a non-bulk plastic outer packaging used as either single or composite packaging to transport Division 6.1 materials with the word "poison" as required in Section 172.313 (b). This requirement appears to be specific to Title 49 CFR, with no other international regulations having any similar requirement. Given that the international community recognizes the word toxic to mean poison, and the fact that many packagings are manufactured, tested, and marked outside the U. S. for shipment to the U. S., would the Administration view this substitution as being made in accordance with the regulations, or must the word "poison" be used when marking these packagings?

Thank you for taking the time to consider my question. If you have any questions or require clarification, please feel free to call me at 215-592-3434.

Best Regards,

Carrie Wayne

NAR Logistics Safety Manager

Rohm and Haas Company

100 Independence Mall West

Philadelphia, PA 19106