



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

NOV 30 2005

Mr. Samuel S. Elkind  
Corporate Regulated Goods Manager  
United Parcel Service (UPS)  
55 Glenlake Parkway, N.E.  
Atlanta, GA 30328

Ref No. 05-0223

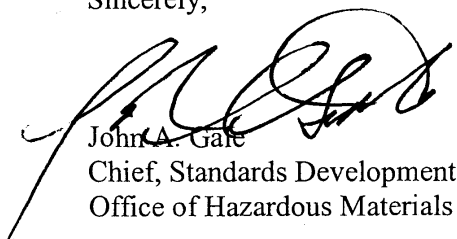
Dear Mr. Elkind:

This responds to your September 9, 2005 letter concerning design changes planned for UPS drop boxes in the United States. Specifically, you ask whether your design changes for the hazardous materials warning statement for your drop boxes comply with § 175.26(d)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

According to your letter and the August 30, 2005 meeting with this Office to discuss UPS's preliminary design changes, you are planning to redesign your hazardous materials warning statement on your U.S. drop boxes, specifically to be located on the front of the package receiving chute. You do not plan to remove the statement currently posted within the supply box; however, you are planning to add a new warning statement to the exterior of your drop boxes. Upon review of your enclosed life-size mock-ups of your proposed design changes, it is the opinion of this Office that your proposed design changes for your warning statement on your drop boxes do comply with § 175.26(d)(1) requirements.

I hope this answers your inquiry.

Sincerely,


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



050223

175.26(d)

SEP 12 2005

Boothie  
§175.26(d)  
Notification of HM/Air  
05-0223 

55 Glenlake Parkway, N.E.  
Atlanta, GA 30328

September 9, 2005

VIA UPS NEXT DAY AIR

Mr. John Gale  
Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

Re: 49 CFR 175.26 – UPS Drop Box Design

Dear Mr. Gale:

Thank you for meeting with us on August 30, 2005 to discuss the design changes planned for UPS's drop boxes within the U.S. As we stated in that meeting, UPS wishes to receive written confirmation from your office that contemplated design changes will satisfy the requirement of 49 CFR 175.26(d), governing the required hazardous materials warning; or of any design changes required to satisfy that regulation.

UPS has currently located the statement required by 49 CFR 175.26(d) prominently inside the supply cabinet of the drop box, reasoning that when a user selects supplies, he or she will immediately see the hazardous materials warning. Recent communications with one FAA inspector suggest that this location may not be universally viewed as satisfactory. Our plan is to take advantage of a redesign initiated for commercial reasons to add a hazardous materials warning statement to the front of the package receiving chute. While we do not plan to remove the statement posted within the supply cabinet, we no longer intend to inspect for and maintain that older warning. Therefore, we will be relying on the planned exterior statement, applied over the next year as we reconfigure these drop boxes, to satisfy the conditions in 49 CFR 175.26(d)(1). Very similar to the current statement, the hazardous materials warning for this redesign will read as follows:

NOTICE: Hazardous Materials/Dangerous Goods, including Other Regulated Materials (ORM-D), are NOT ACCEPTED at this UPS Drop Box.

One concern with the standard of *prominence* identified in §175.26(d)(1) is that, by its nature, it is subjective. Therefore, we wish to establish definitively that, in the view of your office, the design change selected in our project satisfies the requirements of §175.26(d)(1). To facilitate that confirmation, we are delivering to you for evaluation life-size mock-ups of the proposed changes. Because our designs are confidential

Mr. John Gale  
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As you will see, there are two distinct designs, one for drop boxes stationed indoors, and another for drop boxes typically located outdoors. Revised decals will be applied to both types of drop boxes, with the following features:

Indoors Type:

- Statement is positioned on a clearly visible portion of package receiving chute.
- Chute decal dimensions are approximately 11.5" high x 23" wide
- Type face for critical text is white, on background of dark brown.
- Relevant type size – 4mm (upper case letters)

Outdoors Type:

- Statement is positioned on a clearly visible portion of package receiving chute, below the handle used to open the chute.
- Chute decal dimensions are approximately 7.25" high x 23.25" wide
- Type face for critical text is white, on background of dark brown.
- Relevant type size – 4mm (upper case letters)

Our replacement project will affect all UPS drop boxes across the country, approximately 40,000, and is being undertaken at considerable but commercially justifiable expense. However, we obviously do not wish to repeat the exercise because of interpretive disagreements related to the hazardous materials warning.

We would be grateful to receive your written interpretation of the compliance of our design plan with the applicable regulation; or of specific design changes required to bring the design into compliance. If you have any questions, you may reach me at (404) 828-7368 or by e-mail at [selkind@ups.com](mailto:selkind@ups.com).

Sincerely,



Samuel S. Elkind  
Corporate Regulated Goods Manager

Enclosures