



U.S. Department of Transportation  
**Pipeline and Hazardous Materials**  
**Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

JUN 12 2015

Mr. Chuck Denny  
DOT Hazmat SME  
Duke Energy Corporation  
526 South Church Street, EC13K  
Charlotte, NC 28202

Ref. No. 15-0028

Dear Mr. Denny:

This responds to your February 5, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for the CLASS 9 (miscellaneous hazardous material label). In your letter, you attach pictures of several examples of CLASS 9 labels. Your questions are paraphrased and answered as follows:

- Q1. You ask whether a label with a black background and white stripes meets the HMR labeling requirements specified for the white and black colors for the CLASS 9 label.
- A1. The answer is no. Section 172.446(b) specifies that in addition to complying with the label specification requirements found in § 172.407, the background of the CLASS 9 label must be white with seven black vertical stripes on the top half.
- Q2. You ask whether a label with a yellow background meets the HMR labeling requirements regarding the white and black colors for the CLASS 9 label.
- A2. The answer is no. See A1.
- Q3. You ask whether the horizontal line dividing the upper and lower half of a CLASS 9 label must be removed.
- A3. The answer is no. In a final rule issued under Docket No. PHMSA-2009-0151 (HM-218F; 76 FR 43510), the Pipeline and Hazardous Materials Safety Administration (PHMSA) revised the illustration of the CLASS 9 label in § 172.446(a) by removing the horizontal line dividing the upper and lower halves.

The intent of this revision was to harmonize the visual representation of the CLASS 9 label illustration found in the HMR with that appearing in the United Nations (UN) Model Regulations and relevant international regulations authorized for use by 49 CFR Part 171 Subpart C. While the line no longer appears in the pictorial illustrations within the HMR or international regulations, it is the opinion of this Office the use of the horizontal line does not pose a safety concern. We further note that § 172.446(b) provides that the solid horizontal line dividing the lower and upper half of the label is optional.

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

A handwritten signature in cursive script, reading "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Lehman  
§172.446  
Class 9 Label

**Dodd, Alice (PHMSA)**

15-0028

**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Thursday, February 05, 2015 12:45 PM  
**To:** Hazmat Interps  
**Subject:** FW: Pictures of Asbestos Bags from Supplier  
**Attachments:** photo (2).jpg 06-23-14.jpg; photo.jpg 06-23-14.jpg; DANGER BAG - BLACK.JPG; photo.jpg 06-23-14 (1).jpg

Shante/Alice,

Please submit this for a formal letter of interpretation. Sounds like he spoke with Victoria.

Thanks,

Mike

---

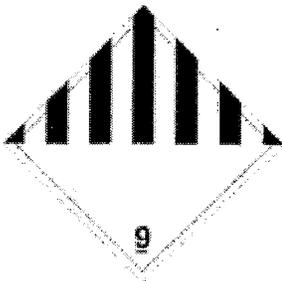
**From:** Denny, Chuck [<mailto:Chuck.Denny@duke-energy.com>]  
**Sent:** Thursday, February 05, 2015 10:34 AM  
**To:** PHMSA HM InfoCenter  
**Cc:** Denny, Chuck  
**Subject:** Pictures of Asbestos Bags from Supplier

PHMSA,

Per attached pictures, is the supplier using labels that meet DOT requirements? Per a supplier that is being evaluated for usage, they talked with "Victoria" from DOT regarding their asbestos bags. Supplier says that they are DOT approved. I have attached four pictures of what they sent me and the issues that I had with each.

The bags are "marked" correctly with "NA2212, ASBESTOS, RQ". However, there are some issues with the Class 9 labels that are preprinted on the bags. Class 9 labels are to look like the following:

(a) Except for size and color, the "CLASS 9" (miscellaneous hazardous materials) label must be as follows:



(b) **In addition** to complying with §172.407, the background on the CLASS 9 label must be **white** with seven **black** vertical stripes on the top half. The **black** vertical stripes must be spaced, so that, visually, they appear equal in width to the six **white** spaces between them. The lower half of the label must be **white** with the class number "9" underlined and centered at the bottom.

**ATTACHED PICTURE ISSUE**

- In the photo (2) 06-23-14, label colors are reversed. Where the label is black, it should be white. Where it is white, it should be black.
- In the photo 06-23-14, the background of the Class 9 label is not white, it is clear to clear yellow. The Class 9 label is required to have a white background. Need to print a black and white label that corresponds with the Class 9 label requirements.
- In the photo DANGER BAG – BLACK, the line is still present. Recommend removing the line to be consistent with future Class 9 label.
- In the photo 06-23-14(1), the background of the Class 9 label is not white, it is clear to clear yellow. The Class 9 label is required to have a white background. Need to print a black and white label that corresponds with DOT's Class 9 label requirements.

If Class 9 labels are to be pre-printed on asbestos bags, it is recommend that they are always printed with labels that are black and white as required per DOT regulations.



Thanks,  
Charles (Chuck) Denny, CHMM  
Duke Energy Corporation  
DOT Hazmat SME  
Waste Compliance  
Environmental Services  
526 South Church Street, EC13K  
Charlotte, NC 28202  
980-373-4947 (Office)  
704-564-1504 (Cell)  
704-382-0249 (Fax)

**DANGER**

CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS

**RQ, ASBESTOS, NA2212**

GENERATOR'S NAME

LOCATION

CITY STATE ZIP



**DANGER**

CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS

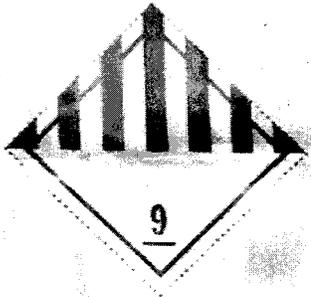
**RQ, ASBESTOS, NA2212**

GENERATOR'S NAME

LOCATION

CITY STATE ZIP

CITY STATE ZIP

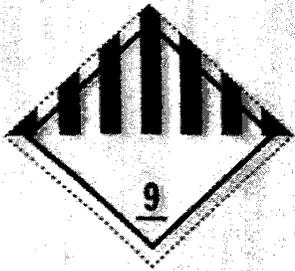


**DANGER**

CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS

RQ, ASBESTOS, NA2212

GENERATOR'S NAME		
LOCATION		
CITY	STATE	ZIP



**DANGER**

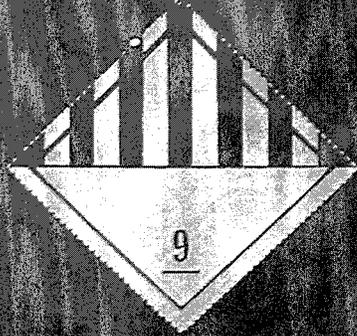
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS

RQ, ASBESTOS, NA2212

GENERATOR'S NAME		
LOCATION		
CITY	STATE	ZIP

CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS  
ASBESTOS, 9, NA 2212, PG III, RQ

GENERATOR'S NAME		
LOCATION		
CITY	STATE	ZIP



**DANGER**

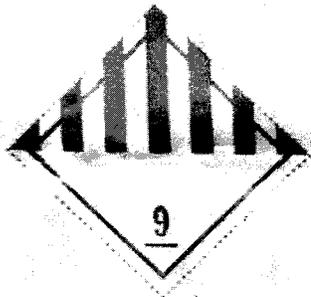
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS

ASBESTOS, 9, NA 2212, PG III, RQ

GENERATOR'S NAME		
LOCATION		
CITY	STATE	ZIP

**DANGER**

CITY STATE ZIP

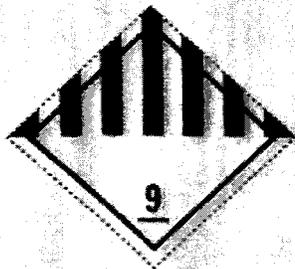


**DANGER**

CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS

**RQ, ASBESTOS, NA2212**

GENERATOR'S NAME		
LOCATION		
CITY	STATE	ZIP



**DANGER**

CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS

**RQ, ASBESTOS, NA2212**

GENERATOR'S NAME		
LOCATION		
CITY	STATE	ZIP