DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

[49 CFR Part 173]

[Docket No. HM-28; Notice 69-20]

TRANSPORTATION OF HAZARDOUS MATERIALS

Removal of Label Exemption

The Hazardous Materials Regulations Board is considering amending paragraph (c) and canceling paragraph (e) of § 173.402 of the Department's Hazardous Materials Regulations to remove certain exemptions from requirements for the labeling of packages containing specified classes of hazardous materials when they are transported in carload or truckload lots. The Board is also planning to cancel § 173.404(h) since the provision therein is no longer necessary.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 23, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Carload and truckload shipments of hazardous materials, except classes A or C poisons, etiologic agents, and radioactive materials, are presently exempt from labeling requirements when such shipments are loaded by the shipper and are unloaded by the consignee from the transport vehicle in which originally loaded. In addition, carload and truckload shipments of classes A or C poisons, etiologic agents, and radioactive materials made by, for, or to the Department of Defense are presently exempt from the labeling requirements if loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded when accompanied by qualified personnel who are supplied with equipment to repair leaks or other container failures which will permit escape of contents.

These labeling exemptions were provided over 30 years ago for rail shipments. The exemptions were later extended to truckload shipments when transported by highway. In either case a car or motor vehicle containing carload or truckload shipments is required to be placarded or marked as prescribed for the hazardous materials contained therein. The placard (or marking) has about the same relationship to the rail car or motor vehicle as the label has to the package. Basically, the label provides precautionary information to the handler of the package and governs the loading or storage of the package while in the custody of the carrier. The placard (or marking) governs the placement of the rail car in a train, is a warning to train crews and operating personnel, and provides precautionary information to persons responding to the scene of an accident. Essentially the same type of safeguards apply to a placard motor vehicle.

Packages of hazardous materials often are not confined within transport vehicles as a result of collisions, derailments, and overturns. These packages may or may not be intact. Persons engaged in firefighting cleanup operations, enforcement, and the general public should be afforded sufficient warning of the potential hazards of the materials in packages. Prescribed labels on packages are a means of informing persons of the hazards involved.

There are occurrences when handling personnel, other than those employed by consignees, would come into contact with these hazardous materials even though such events are not contemplated at the time of shipment. Such occurrences as mechanical failure of transport equipment, shipments reconsigned to more than one destination, and the placement of shipments temporarily in storage are not uncommon.

The Board believes that the absence of labels from certain packages of hazardous materials even when carried in carload or truckload shipments is no longer justified except for shipments of the Department of Defense which are loaded and unloaded under its supervision and which are escorted by its personnel.

In consideration of the foregoing, it is proposed to amend certain sections of the Hazardous Materials Regulations as follows:

(A) In § 173.402 paragraph (c) would be amended; paragraph (e) would be canceled as follows:

§ 173.402 Labeling of explosives or other dangerous articles.

* * * * *

(c) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel; and

(2) Under escort by Department of Defense personnel in a separate vehicle.

* * * * *

(e) [Canceled]

(B) In § 173.404 paragraph (h) would be canceled as follows:

§ 173.404 Labels.

* * * * *

(h) [Canceled]

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 15, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, For the Federal Aviation Administration.

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