



U.S. Department
of Transportation
Research and
Special Programs
Administration

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

FEB 20 2001

Mr. Stephane Santy
Chief Engineer
European Safety Institute
Vrederstraat 19
B-8800 Roeselare

Ref. No. 01-0045

Dear Mr. Santy:

This is in response to your fax of January 31, 2001 regarding the marking of limited quantities. Specifically, you are concerned with shipments of hazardous materials which are transported in closed freight containers from the United States to Europe. In your letter you ask whether shipments of limited quantities which are marked in accordance with the current requirements of the European Agreement concerning the international carriage of dangerous goods by road (ADR) are acceptable for transportation within the United States. The ADR requires a UN number within a diamond or an "LQ" within a diamond if multiple UN numbers are transported in a single package. You have indicated that when U.S. shipments transported in accordance with the IMDG Code are imported into Europe, they become subject to the ADR marking requirement if they are transshipped after reaching their first destination point in Europe.

In previous correspondence we have stated that we consider the ADR markings to be confusing and prohibited from use by 49 CFR 172.401, which forbids markings which by their "color, design, or shape could be confused with or conflict with" labels required by 49 CFR. However, the IMDG Code does not include a prohibition consistent with § 172.401. Furthermore, § 171.12 authorizes shipments which are made in accordance with the IMDG Code to be transported within the United States subject to the limitations of § 171.12. As the IMDG Code does not specifically prohibit the use of the labels authorized by the ADR, packages which are transported in accordance with the IMDG Code may be marked with the current ADR markings and are acceptable for transportation within the United States.

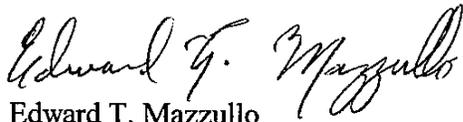
For your information, a recent decision by the United Nations Committee of Experts on the Transport of Dangerous Goods (UN COE) was to require that limited quantities of dangerous goods be marked with the UN number within a diamond. This is consistent with the UN Number/diamond marking currently required by the ADR. The UN Committee did not however adopt the "LQ" marking authorized by the ADR.



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We are considering adopting the marking agreed to by the UN COE in a future rulemaking. We advise that in order to avoid potential frustration of shipments due to the marking not being recognized by 49 CFR, that you continue to limit IMDG shipments bearing the ADR markings to closed freight containers or transport vehicles.

Sincerely,

A handwritten signature in cursive script that reads "Edward T. Mazzullo".

Edward T. Mazzullo
Director, Office of Hazardous Materials Standards



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FAXBERICHT

Firma: US department of Transportation
T.a.v.: Shane C. Kelley
Faxnummer: 001-202-366.5713

Datum: maandag 5 februari 2001
bladzijden: 2

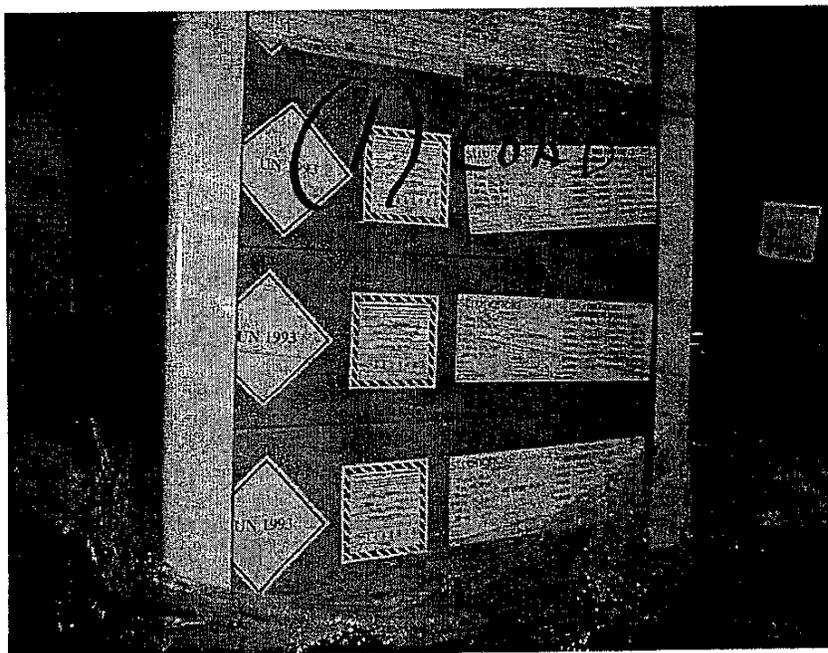
Onderwerp: Your fax dd. january 31, 2001

Dear Mr. or Mrs. Kelley

Thank you for forwarding the reply of Mr. Frits Wybenga.

I would like to inform you that the LQ sign is not a label but a marking as described in the ADR legislation. I herewith send you a picture of a load in accordance to the HMR and ADR legislation.

Would you please confirm me formally that the example we send you is allowed by HMR and is not giving any cause for a possible confusion with the existing HMR regulations/labels.



Stichtend Lid van het *VVG* – Vereniging Veiligheidsfunctionaris Gevaarlijke Stoffen

Group of Companies

I would also like to remind you on IATA capter 7.1.5.2 that says:

Markings required by other international or national transport regulations are permitted in addition to markings required by these regulations, provided that they cannot be confused with or conflict with any markings prescribed by these regulations, because of their colour, design or shape.

Thanks in advance for a quick reply.

Yours sincerely

Stéphane SANTY
Chief Engeneer
European Safety Institute.

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