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quantities and limited quantities in applicable sections in part 173 of this subchapter.

(c) Notwithstanding the provisions of §172.402(a), a Division 6.1 subsidiary hazard label is not required on a package containing a Class 8 (corrosive) material which has a subsidiary hazard of Division 6.1 (poisonous) if the toxicity of the material is based solely on the corrosive destruction of tissue rather than systemic poisoning. In addition, a Division 4.1 subsidiary hazard label is not required on a package bearing a Division 4.2 label.

(d) A package containing a material poisonous by inhalation (see §171.8 of this subchapter) in a closed transport vehicle or freight container may be excepted from the POISON INHALATION HAZARD or POISON GAS label or placard, under the conditions set forth in §171.23(b)(10) of this subchapter.

[Amdt. 172–123, 55 FR 52594, Dec. 21, 1990, as amended by Amdt. 172–132, 58 FR 50501, Sept. 27, 1993; 172–130, 58 FR 51531, Oct. 1, 1993; Amdt. 172–139, 59 FR 67490, Dec. 29, 1994; Amdt. 172–145, 60 FR 49110, Sept. 21, 1995; 63 FR 52849, Oct. 1, 1998; 64 FR 10776, Mar. 5, 1999; 65 FR 58626, Sept. 29, 2000; 66 FR 44255, Aug. 22, 2001; 68 FR 75742, Dec. 31, 2003; 69 FR 64472, Nov. 4, 2004; 72 FR 25176, May 3, 2007; 73 FR 4716, Jan. 28, 2008; 74 FR 2252, Jan. 14, 2009; 76 FR 56314, Sept. 13, 2011]

§172.401 Prohibited labeling.

(a) Except as otherwise provided in this section, no person may offer for transportation and no carrier may transport a package bearing a label specified in this subpart unless:

(1) The package contains a material that is a hazardous material, and

(2) The label represents a hazard of the hazardous material in the package.

(b) No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part.

(c) The restrictions in paragraphs (a) and (b) of this section, do not apply to packages labeled in conformance with:

(1) The UN Recommendations (IBR, see §171.7 of this subchapter);

(2) The IMDG Code (IBR, see §171.7 of this subchapter);

(3) The ICAO Technical Instructions (IBR, see §171.7 of this subchapter);

(4) The TDG Regulations (IBR, see §171.7 of this subchapter).

(5) The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) (IBR, see §171.7 of this subchapter).

(d) The provisions of paragraph (a) of this section do not apply to a packaging bearing a label if that packaging is:

(1) Unused or cleaned and purged of all residue;

(2) Transported in a transport vehicle or freight container in such a manner that the packaging is not visible during transportation; and

(3) Loaded by the shipper and unloaded by the shipper or consignee.

[Amdt. 172–9, 41 FR 15996, Apr. 15, 1976, as amended by Amdt. 172–75, 47 FR 44471, Oct. 7, 1982; Amdt. 172–77, 47 FR 54822, Dec. 6, 1982; Amdt. 172–94, 49 FR 38134, Sept. 27, 1984; Amdt. 172–100, 50 FR 41521, Oct. 11, 1985; Amdt. 172–123, 55 FR 52594, Dec. 21, 1990; Amdt. 172–132, 58 FR 50501, Sept. 27, 1993; 66 FR 8647, Feb. 1, 2001; 66 FR 45379, Aug. 28, 2001; 68 FR 75741, 75742, Dec. 31, 2003; 74 FR 2252, Jan. 14, 2009]

§172.402 Additional labeling requirements.

(a) *Subsidiary hazard labels.* Each package containing a hazardous material—

(1) Shall be labeled with primary and subsidiary hazard labels as specified in column 6 of the §172.101 table (unless excepted in paragraph (a)(2) of this section); and

(2)For other than Class 1 or Class 2 materials (for subsidiary labeling requirements for Class 1 or Class 2 materials see paragraph (e) or paragraphs (f) and (g), respectively, of this section), if not already labeled under paragraph (a)(1) of this section, shall be labeled with subsidiary hazard labels in accordance with the following table:

SUBSIDIARY HAZARD LABELS

Subsidiary hazard level (packing group)	Subsidiary Hazard (Class or Division)						
	3	4.1	4.2	4.3	5.1	6.1	8
I	X	***	***	X	X	X	X
II	X	X	X	X	X	X	X
III	*	X	X	X	X	X	X

X—Required for all modes.
*—Required for all modes, except for a material with a flash point at or above 38 °C (100 °F) transported by rail or highway.
**—Reserved