



(2) The symbol, letters and border must be black and the background white, except for the starburst which must be red.

(3) The KEEP AWAY FROM HEAT handling marking required by paragraph (a) of this section must be durable, legible and displayed on a background of contrasting color.

[69 FR 76153, Dec. 20, 2004, as amended at 80 FR 1150, Jan. 8, 2015]

**§ 172.320 Explosive hazardous materials.**

(a) Except as otherwise provided in paragraphs (b), (c), (d) and (e) of this section, each package containing a Class 1 material must be marked with the EX-number for each substance, article or device contained therein.

(b) Except for fireworks approved in accordance with §173.64 of this subchapter, a package of Class 1 materials may be marked as follows, in lieu of the EX number required by paragraph (a) of this section:

(1) With a national stock number issued by the Department of Defense or identifying information, such as a product code required by regulations for commercial explosives specified in 27 CFR part 555, if the national stock number or identifying information can be specifically associated with the EX number assigned; or

(2) For Division 1.4G consumer fireworks reviewed by a Fireworks Certification Agency approved in accordance with 49 CFR part 107 subpart E and certified in accordance with §173.65, with

the FC number assigned by a DOT-approved Fireworks Certification Agency.

(c) When more than five different Class 1 materials are packed in the same package, the package may be marked with only five of the EX-numbers, national stock numbers, product codes, or combination thereof.

(d) The requirements of this section do not apply if the EX number, FC number, product code or national stock number of each explosive item described under a proper shipping description is shown in association with the shipping description required by §172.202(a). Product codes and national stock numbers must be traceable to the specific EX number assigned by the Associate Administrator or FC number assigned by a DOT-approved Fireworks Certification Agency.

(e) The requirements of this section do not apply to the following Class 1 materials:

(1) Those being shipped to a testing agency in accordance with §173.56(d) of this subchapter;

(2) Those being shipped in accordance with §173.56(e) of this subchapter, for the purposes of developmental testing;

(3) Those which meet the requirements of §173.56(h) of this subchapter and therefore are not subject to the approval process of §173.56 of this subchapter;

(4) [Reserved];

(5) Those that are transported in accordance with §173.56(c)(2) of this subchapter and, therefore, are covered by a national security classification currently in effect.

[Amdt. 172-123, 56 FR 66254, Dec. 20, 1991, as amended by Amdt. 172-139, 59 FR 67487, Dec. 29, 1994; 66 FR 45379, Aug. 28, 2001; 74 FR 53188, Oct. 16, 2009; 78 FR 42477, July 16, 2013]

#### § 172.322 Marine pollutants.

(a) For vessel transportation of each non-bulk packaging that contains a marine pollutant—

(1) For a proper shipping name used to describe a hazardous material that is a marine pollutant and assigned the letter “G” in column (1) of the §172.101 hazardous materials table or that contains the text “n.o.s.,” the name of the component which makes the material a marine pollutant must be marked on

the package in parentheses in association with the marked proper shipping name unless the proper shipping name identifies by name the component which makes the material a marine pollutant. Where two or more components that make a material a marine pollutant are present, the names of at least two of the components most predominantly contributing to the marine pollutant designation must appear in parentheses in association with the marked proper shipping name. For materials described using “UN3077, Environmentally hazardous substance, solid, n.o.s.” and “UN3082, Environmentally hazardous substance, liquid, n.o.s.,” see §172.102(c)(1), special provision 441 for additional provisions; and

(2) Except as otherwise provided in this subchapter, the MARINE POLLUTANT mark shall be placed in association with the hazard warning labels required by subpart E of this part or, in the absence of any labels, in association with the marked proper shipping name.

(b) Except as otherwise provided in this subchapter, a bulk packaging that contains a marine pollutant must—

(1) Be marked with the MARINE POLLUTANT mark on at least two opposing sides or two ends other than the bottom if the packaging has a capacity of less than 3,785 L (1,000 gallons). The mark must be visible from the direction it faces. The mark may be displayed in black lettering on a square-on-point configuration having the same outside dimensions as a placard; or

(2) Be marked on each end and each side with the MARINE POLLUTANT mark if the packaging has a capacity of 3,785 L (1,000 gallons) or more. The mark must be visible from the direction it faces. The mark may be displayed in black lettering on a square-on-point configuration having the same outside dimensions as a placard.

(c) A transport vehicle or freight container that contains a package subject to the marking requirements of paragraph (a) or (b) of this section must be marked with the MARINE POLLUTANT mark. The mark must appear on each side and each end of the transport vehicle or freight container, and must be visible from the direction it faces. This requirement may be met by the