

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

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marking displayed on a freight container or portable tank loaded on a motor vehicle or rail car. This mark may be displayed in black lettering on a white square-on-point configuration having the same outside dimensions as a placard.

(d) The MARINE POLLUTANT mark is not required—

(1) On single packagings or combination packagings where each single package or each inner packaging of combination packagings has:

(i) A net quantity of 5 L (1.3 gallons) or less for liquids; or

(ii) A net mass of 5 kg (11 pounds) or less for solids

(2) On a combination packaging containing a marine pollutant, other than a severe marine pollutant, in inner packagings each of which contains:

(i) 5 L (1.3 gallons) or less net capacity for liquids; or

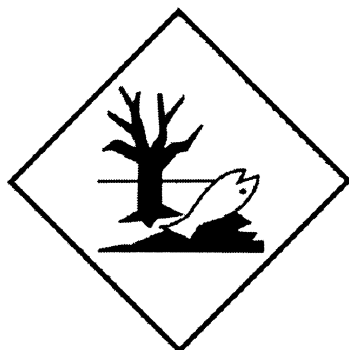
(ii) 5 kg (11 pounds) or less net capacity for solids.

(3) Except for transportation by vessel, on a bulk packaging, freight container or transport vehicle that bears a label or placard specified in subparts E or F of this part.

(4) On a package of limited quantity material marked in accordance with § 172.315 of this part.

(e) *MARINE POLLUTANT mark.* The MARINE POLLUTANT mark must conform to the following:

(1) Except for size, the MARINE POLLUTANT mark must appear as follows:



Symbol (fish and tree): Black on white or suitable contrasting background.

(2) The marking must be in the form of a square-on-point. The symbol and border must be black on a white or

suitable contrasting background. The width of the border forming the square-on-point marking must be at least 2 mm. Each side of the mark must be—

(i) At least 100 mm (3.9 inches) as measured from the outside of the lines forming the border for marks applied to:

(A) Non-bulk packages, except in the case of packages which, because of their size, can only bear smaller marks. If the size of the package so requires, the dimensions/line thickness may be reduced, provided the marking remains clearly visible. Where dimensions are not specified, all features shall be in approximate proportion to those shown.

(B) Bulk packages with a capacity of less than 3,785 L (1,000 gallons); or

(ii) At least 250 mm (9.8 inches) for marks applied to all other bulk packages.

(3) *Transitional exception.* A marking in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue to be used until December 31, 2016.

(4) For domestic transportation, a packaging marked prior to January 1, 2017 and in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue in service until the end of its useful life.

(f) *Exceptions.* See § 171.4(c).

[Amdt. 172-127, 57 FR 52938, Nov. 5, 1992, as amended by Amdt. 172-136, 59 FR 38064, July 26, 1994; Amdt. 172-145, 60 FR 49110, Sept. 21, 1995; 66 FR 45379, Aug. 28, 2001; 70 FR 56098, Sept. 23, 2005; 74 FR 2252, Jan. 14, 2009; 76 FR 3367, Jan. 19, 2011; 80 FR 1150, Jan. 8, 2015; 85 FR 83380, Dec. 21, 2020; 87 FR 44990, July 26, 2022]

§ 172.323 Infectious substances.

(a) In addition to other requirements of this subpart, a bulk packaging containing a regulated medical waste, as defined in § 173.134(a)(5) of this subchapter, must be marked with a BIOHAZARD marking conforming to 29 CFR 1910.1030(g)(1)(i)—

(1) On 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 BIOHAZARD marking must measure at least 152.4 mm (6 inches) on each side and must be visible from the direction it faces.