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AUTHORITY: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

§ 178.1 Purpose and scope.

This part prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in commerce.

[Amdt. 178–40, 42 FR 2689, Jan. 13, 1977. Redesignated by Amdt. 178–97, 55 FR 52715, Dec. 21, 1990]

§ 178.2 Applicability and responsibility.

(a) *Applicability.* (1) The requirements of this part apply to packagings manufactured—

(i) To a DOT specification, regardless of country of manufacture; or

(ii) To a UN standard, for packagings manufactured within the United States. For UN standard packagings manufactured outside the United States, see §173.24(d)(2) of this subchapter. For UN standard packagings for which standards are not prescribed in this part, see §178.3(b).

(2) A manufacturer of a packaging subject to the requirements of this part is primarily responsible for compliance with the requirements of this part.

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However, any person who performs a function prescribed in this part shall perform that function in accordance with this part.

(b) *Specification markings.* When this part requires that a packaging be marked with a DOT specification or UN standard marking, marking of the packaging with the appropriate DOT or UN markings is the certification that—

(1) Except as otherwise provided in this section, all requirements of the DOT specification or UN standard, including performance tests, are met; and

(2) All functions performed by, or on behalf of, the person whose name or symbol appears as part of the marking conform to requirements specified in this part.

(c) *Notification.* (1) Except as specifically provided in §§178.337–18, 178.338–19, and 178.345–15 of this part, the manufacturer or other person certifying compliance with the requirements of this part, and each subsequent distributor of that packaging must:

(i) Notify each person to whom that packaging is transferred—

(A) Of all requirements in this part not met at the time of transfer, and

(B) With information specifying the type(s) and dimensions of the closures, including gaskets and any other components needed to ensure that the packaging is capable of successfully passing the applicable performance tests. This information must include any procedures to be followed, including closure instructions for inner packagings and receptacles, to effectively assemble and close the packaging for the purpose of preventing leakage in transportation. Closure instructions must provide for a consistent and repeatable means of closure that is sufficient to ensure the packaging is closed in the same manner as it was tested. For packagings sold or represented as being in conformance with the requirements of this subchapter applicable to transportation by aircraft, this information must include relevant guidance to ensure that the packaging, as prepared for transportation, will withstand the pressure differential requirements in §173.27 of this subchapter.

(ii) Retain copies of each written notification for at least one year from date of issuance; and

(iii) Make copies of all written notifications available for inspection by a representative of the Department.

(2) The notification required in accordance with this paragraph (c) may be in writing or by electronic means, including e-mailed transmission or transmission on a CD or similar device. If a manufacturer or subsequent distributor of the packaging utilizes electronic means to make the required notifications, the notification must be specific to the packaging in question and must be in a form that can be printed in hard copy by the person receiving the notification.

(d) Except as provided in paragraph (c) of this section, a packaging not conforming to the applicable specifications or standards in this part may not be marked to indicate such conformance.

(e) *Definitions.* For the purpose of this part—

Manufacturer means the person whose name and address or symbol appears as part of the specification markings required by this part or, for a packaging marked with the symbol of an approval agency, the person on whose behalf the approval agency certifies the packaging.

Specification markings mean the packaging identification markings required by this part including, where applicable, the name and address or symbol of the packaging manufacturer or approval agency.

(f) No packaging may be manufactured or marked to a packaging specification that was in effect on September 30, 1991, and that was removed from this part 178 by a rule published in the FEDERAL REGISTER on December 21, 1990 and effective October 1, 1991.

[Amdt. 178-97, 55 FR 52715, Dec. 21, 1990; 56 FR 66284, Dec. 20, 1991, as amended by Amdt. 178-106, 59 FR 67519, Dec. 29, 1994; Amdt. 178-117, 62 FR 14338, Mar. 26, 1997; 68 FR 45041, July 31, 2003; 69 FR 34612, June 22, 2004; 75 FR 5395, Feb. 2, 2010; 75 FR 60339, Sept. 30, 2010; 78 FR 1118, Jan. 7, 2013; 78 FR 15328, Mar. 11, 2013]

§ 178.3 Marking of packagings.

(a) Each packaging represented as manufactured to a DOT specification

or a UN standard must be marked on a non-removable component of the packaging with specification markings conforming to the applicable specification, and with the following:

(1) In an unobstructed area, with letters, and numerals identifying the standards or specification (e.g. UN 1A1, DOT 4B240ET, etc.).

(2) Unless otherwise specified in this part, the name and address or symbol of the packaging manufacturer or the person certifying compliance with a UN standard. Symbols, if used, must be registered with the Associate Administrator. Unless authorized in writing by the holder of the symbol, symbols must represent either the packaging manufacturer or the approval agency responsible for providing the most recent certification for the packaging through design certification testing or periodic retesting, as applicable. Duplicative symbols are not authorized.

(3) The markings must be stamped, embossed, burned, printed or otherwise marked on the packaging to provide adequate accessibility, permanency, contrast, and legibility so as to be readily apparent and understood.

(4) Unless otherwise specified, letters and numerals must be at least 12.0 mm (0.47 inches) in height except for packagings of less than or equal to 30 L (7.9 gallons) capacity for liquids or 30 kg (66 pounds) maximum net mass for solids the height must be at least 6.0 mm (0.2 inches). For packagings having a capacity of 5 L (1.3 gallons) or less or of 5 kg (11 pounds) maximum net mass, letters and numerals must be of an appropriate size.

(5) For packages with a gross mass of more than 30 kg (66 pounds), the markings or a duplicate thereof must appear on the top or on a side of the packaging.

(b) A UN standard packaging for which the UN standard is set forth in this part may be marked with the United Nations symbol and other specification markings only if it fully conforms to the requirements of this part. A UN standard packaging for which the UN standard is not set forth in this part may be marked with the United Nations symbol and other specification markings for that standard as provided in the ICAO Technical Instructions or