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Dr. Robert A. McGuire  
Associate Administrator  
U.S. Department of Transportation  
Research and Special Programs Administration  
Office of Hazardous Materials Safety (DHM-1)  
400 7th St., S.W.  
Washington, DC 20590

Dear Dr. McGuire:

This letter contains comments to the proposed rulemaking HM-206B – “Hazardous Materials: Changes to the Hazard Communication Requirements, Including Revision of Design of Labels and Placards for Materials Poisonous by Inhalation (PIH).

PPG Industries, Inc. is a global manufacturer of Glass, Fiber Glass, Chemicals, and Coatings with sales exceeding \$8 billion. PPG produces and ships hazardous materials worldwide and is committed to the principles of Responsible Care<sup>®</sup>. PPG ships a large amount of poison inhalation products including chlorine, PIH chloroformates and PIH acid chlorides as well as temperature-controlled organic peroxides.

PIH labels and placards

PPG is disappointed by the timing of this rulemaking in proposing changes to the PIH labels and placards already in effect. The regulated community in the U.S. has been through several iterations of PIH label and placard design since the DOT first proposed this regulation on June 9, 1992.

As yet, the international community has not embraced the concept of unique hazard communication and packaging for poison inhalation hazard products. U.S. producers of PIH products still labor under a competitive disadvantage for distribution in the global marketplace.

The latest information on the international regulatory front at the UN Committee of Experts indicates that the current U.S. PIH labels and placards, which were proposed by the U.S. Expert at the July meeting, was tabled to the next session in December. The paper submitted for consideration at the UN meeting contained the current HMR label and placard design, which is quite different from that proposed in the HM-206B rulemaking. PPG's disappointment in the timing of the UN paper was publicly stated at the pre-UN public meeting on June 18<sup>th</sup>.

### Division 2.3

The unique design for the poison gas label and placard in the HMR is not really needed. This may explain the reluctance of the international community to adopt previous PIH hazard communication proposals. The class number " 2 " in the bottom corner of all poison gas labels and placards indicates that the material meets the poison by inhalation criteria. Since there is no alternative to the poison gas classification, there is no need to have a unique placard for poison gases in the U.S. that is different from the international Division 2.3.

If there were a need to go to another design of the Division 2.3 label and placard, PPG would propose that the international poison gas label and placard design be used for all Division 2.3 materials.

### Division 6.1

Materials that meet the inhalation toxicity criteria in Packing Group I of Division 6.1 are designated as poison inhalation hazard liquids. For these materials there is value to the emergency response community in having an easier way to identify materials in Division 6.1, packing group I that are poison by inhalation as opposed to being toxic by dermal or oral routes of exposure.

PPG proposes that instead of the endless iterations with the size of the diamond in the upper corner of the label or placard, the angle of the sides of the black diamond and the size of the skull and crossed bones, the top half of the label or placard be a black background and the same skull and crossed bones symbol used on the international toxic label or placard be displayed on the black background.

This would result in only one new label and placard design to be introduced to the international community, which may have a better chance of being adopted.

#### Proposed PIH label and placard design

PPG does not find the proposed change in the size of the diamond shape on the PIH placard with its truncated or overlapping bottom corner to be worthy of making costly changes. PPG PIH products have the UN identification number across the middle of the placard when transported and the appearance of the truncated or overlapping point at the bottom of the diamond area is poor in our opinion and is the reason we propose the black background in the upper half of the PIH label and placard. Specifying the location of the bottom point of the diamond above the centerline is too prone to enforcement errors.

If the DOT agrees with this approach, PPG would suggest that proposed changes to the Division 6.1 label and placard in this rulemaking be delayed until the UN considers this revised approach. This is predicated on the Expert from the United States modifying his proposed paper at the current biennium of the UN Committee of Experts.

The use of the internationally recognized label and placard for Davison 2.3 could be adopted in a revision to HM-206B. This would allow chlorine manufacturers on both sides of the U.S.–Canada border to use only four placards on a tank car instead of the 8 placards now required on cross border shipments. Tank cars of chlorine are marked with the proper shipping name as well as the words “Inhalation Hazard” both in 4-inch high letters so there is sufficient notification to emergency responders.

#### UN Activity on PIH hazard communication

If the UN Subcommittee of Experts were to adopt the existing HMR provisions into the 14 edition and the proposed changes in the HM-206 rulemaking were adopted, then the following conflict would result. When the 14<sup>th</sup> Edition of the UN Recommendations is adopted internationally in the IMDG code in 1/1/2007 and the HMR at that time contains the HM-206B proposed changes, international shippers would be in the same situation as now with dual requirements. Currently, U.S. shippers must apply both the U.S. poison inhalation placards and the international toxic placards on all four sides of tanks and freight containers of PIH materials.

#### 171.14(a) & (b)

The cost for changing the design of these PIH labels will be \$10,000 to modify the designs for future printing. This is exclusive of any wasted label stocks that could result from the short implementation date of October 1, 2004. Since it may be months before a final rule is issued, some previously filled packages may have to be relabeled to comply with the October 1, 2004 date.

The cost for placard changes will not be as costly to PPG but the placard manufacturers will have to change printing designs which is ultimately passed on to the purchaser. The implementation date of October 1, 2006 is better and should also be used for label changes in our opinion.

Organic Peroxide Identification Number Marking

There are only two UN identification numbers that are applicable, UN3111 and UN3112. Shipments containing Type B temperature-controlled organic peroxides and other organic peroxides can be marked either by using:

- two placards, one with the Type B temperature controlled ID number and one without, or
- the organic peroxide placard and a separate Type B temperature controlled ID number marking on an orange panel or white square-on-point background.

Transport of Type B temperature-controlled materials requires specialized transport equipment operated by a private or contract carrier (see 173.21(f)(3)). The vehicle is placarded, so it should already be apparent to emergency responders that the organic peroxide is temperature controlled without additional marking.

PPG appreciates the opportunity to provide comments to this important rulemaking.

Sincerely,

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cc: R. A. Richard - DOT  
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