



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 26 2001

Mr. Andrew N. Romach
URS Corporation
PO Box 13000
Research Triangle Park, NC 27560

Ref. No. 01-0148

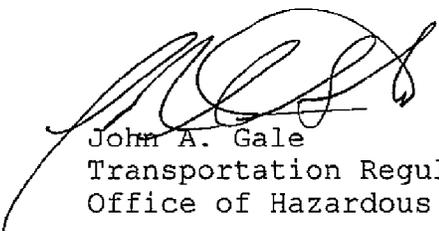
Dear Mr. Romach:

This is in response to your June 13, 2001, letter requesting clarification of marking requirements in § 172.322(d)(3) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the highway transportation of a placarded bulk packaging or transport vehicle containing a hazardous material that is also a marine pollutant.

A packaging containing a marine pollutant must have the "Marine Pollutant" mark placed on each bulk and non-bulk packaging when transported by vessel. For transportation by highway, rail, or air, the "Marine Pollutant" mark is required on each bulk packaging that contains a marine pollutant, and each vehicle or freight container that contains a package that requires the "Marine Pollutant" mark. However, as provided by § 172.322(d)(3), the "Marine Pollutant" mark is not required on a bulk package or transport vehicle that is already labeled or placarded in accordance with Subpart E or F of Part 172, except when transported by vessel.

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



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172322



BAH
§172.322
Marking
01-0148

June 13, 2001

Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards (DHM-10)
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590-0001
FAX: (202) 366-3012

(Problem?)
this is a good
BAH letter
John S.

Dear Mr. Mazzullo:

I am writing to you to request a written regulatory interpretation concerning "Marine Pollutant" marking requirements for a bulk quantity of a Marine Pollutant transported exclusively over the highway. The specific Marine Pollutant being transported is Nonylphenol (which meets the definition of a "Marine Pollutant" as well as a Class 8 Corrosive material).

Specifically, my question concerns the provision outlined in 49 CFR 172.322(d). Based on my reading of this provision, if a transport vehicle is placarded with Class 8 "Corrosive" placards as specified in Subpart F, then that transport vehicle is not required to have the "Marine Pollutant" markings.

Transport vehicles carrying Nonylphenol have been stopped by State Police because the phrase "Marine Pollutant" appears on the HAZMAT Bill of Lading but the transport vehicle does not have the "Marine Pollutant" markings on all four sides of the vehicle--even though the transport vehicle is appropriately placarded on all four sides with Class 8 "Corrosive" placards. It is my understanding that, if taking advantage of the exception provided in 49 CFR 172.322(d), the "Marine Pollutant" markings are not required.

If you have any questions, you can call me directly at 919.461.1220 or you can FAX me at 919.461.1371. I appreciate your clarification of this matter.

Sincerely,

Andrew N. Romach
Regulatory Manager
URS Corporation

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