



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

JUN 30 2006

Mr. Eugene J. Secor  
HB Fuller Company  
2710 Bellingham Drive, Suite 100  
Troy, Michigan 48083

Ref. No. 06-0072

Dear Mr. Secor:

This is in response to your letter requesting clarification of the limited quantity exceptions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask us to confirm your understanding that a shipment of limited quantity hazardous materials is excepted from the labeling requirements, and from the placarding requirements when the shipment exceeds 1,001 pounds. You ask whether you would be in violation of the HMR if you placarded such a shipment. You also ask whether the driver of such a shipment or other shipments not subject to the placarding requirements requires a hazmat endorsement on the commercial drivers license (CDL).

With respect to the labeling and placarding requirements, your understanding of the HMR is correct. Under § 172.500(b)(3), shipments of limited quantities of hazardous materials are not required to be labeled or placarded. The exception from placarding includes a shipment of limited quantities that exceeds 1,001 pounds aggregate gross weight. In addition, packagings containing limited quantities are not included when determining the aggregate gross weight of other hazardous materials (see Placarding Table 2 in § 172.504). In response to your question asking whether it would be a violation of the HMR to placard such a shipment, the answer is no. Section 172.502(c) states that placards may be displayed for a shipment that does not require placarding provided the placarding conforms to the requirements in Subpart F of Part 172.

Questions regarding current requirements for hazmat endorsements on CDLs should be directed to the Federal Motor Carrier Safety Administration (FMCSA), Office of Motor Carrier Safety, 400 7<sup>th</sup> St., S.W., Washington, D.C. 20590, or telephone 202/366-6121. FMCSA issues the regulations that require a driver who transports hazardous material



060072

172.500(b)(3)  
173.154

shipments to obtain a hazmat endorsement on a CDL. However, the requirement for a hazmat endorsement applies only to shipments for which a placard is required under the HMR.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Hattie L. Mitchell". The signature is written in a cursive style with a large, prominent initial "H".

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



H.B. Fuller Company

2710 Bellingham Drive,  
Suite 100  
Troy, Michigan 48083

McIntyre  
§172.500(b)(3)  
§173.154  
Placarding  
06-0092

February 21, 2006

Pipeline and Hazardous Materials Administration  
400 Seventh Street, S.W.  
Room 8410  
Washington, D.C.20590

Gentlemen:

We have two questions that are somewhat peripherally related.

- 1) Often we have carriers, including rail carriers, that demand placards when we have a shipment of **Limited Quantity** commodities that exceed the 1001 gross pound threshold indicated on the Table 2 placarding chart. It seems these carriers or their drivers are totally unaware of the exception given at 172.500(b)(3) and reiterated under the limited quantity exception for the given commodity (in this case 173.154 for Corrosives, nos). A recent example of this is illustrated on the attached BL where the shipment was refused even though the BL indicated Limited Quantity. Packaging is a 1H2 outer with appropriate inner receptacles to create a combination package. Since 173.154 also excepts us from labeling, there are no hazard labels on the outer package but the PSN and ID number are included as required by the regulations.

Is there an existing interpretation that covers this specific subject? If not, could we get a letter stating that the above is true and correct? Even though the combination packages do not have hazard labels, would we be in violation if we offered placards?

- 2) Although we are not required to check driver's CDL for the hazmat endorsement, is there ever a case when the driver can

pick up a hazmat shipment **w/o the hazmat endorsement**  
such as non-placardable quantities? Would Paragraph 391.62  
of FMSCA regulations provide an Exemption to the hazardous  
material endorsement rule?

Thanking you in advance for attention to this matter.



Eugene J. Secor  
EHS/Transportation Specialist

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File: DOT/letters to Dept/Placarding & CDL Hazmat Endorsement

# STRAIGHT BILL OF LADING NOT NEGOTIABLE

Emergency Contact  
Chemtrec 1-800-424-9300

Order / B/L No.:  
0341205/B3969833

SHIPPER: Specialty Construction Brands, Inc.  
315 South Hicks Road  
Palatine, IL 60067-6972

SHIPPED TO: TEC INCORPORATED  
1913 NORTHWEST 60TH LANE  
GAINESVILLE, FL 32653

Shipment Date 02/16/06 Contact Name \_\_\_\_\_ Contact Phone Number 352 372 3931

SHIP VIA		FOR TERMS		CUSTOMER NO.	CUSTOMER P.O. NO.
G S T CORP		FOB SHIPPING PT, FRT PREPAID		02006686	LH-021606-G01
NO. OF PKGS	TYPE OF PACKAGES	HM	PARTICULARS OF THE GOODS, MARKS AND EXCEPTIONS	WEIGHT (SUBJ. TO CORR.) LBS	<small>The following is required for United States shipments only:</small> Subject to Section 7 of conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignee, the consignor shall sign the following statement: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.  (Signature of Consignor) If charges are to be prepaid, write or stamp here: "To be Prepaid." <b>To be Prepaid</b>  Charges Advanced: \$ _____ <small>If the shipment moves between two ports by water the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight."</small> <small>NOTE: Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.</small> <small>The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding:</small>  Per _____ <small>Shippers stamp in lieu of stamp, not a part of bill of lading approved by the Interstate Commerce Commission.</small> <small>This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.</small>  (Signature) <small>The boxes used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and all other requirements of Consolidated Freight Classification.</small>
1071	PCS		ITEM #4620 SUB 5 CLASS 60 ADHESIVES NOI, IN INNER CONT. O/T COLLAPSIBLE TUBES OR GLASS. IN BOXES; IN BULK IN BAGS, BOXES, CRATES, DRUMS, PAILS OR TOTES.	37650 LB	
72	PCS	X	CORROSIVE LIQUIDS, N.O.S. (DIETHYLENE-TRIAMINE, TETRAETHYLENEPENTAMINE), 8, UN1760, II, LIMITED QUANTITY ITEM #156240 CLASS 60, PLASTIC MATERIALS OTHER THAN EXPANDED, LIQUID, NOI, O/T ITEM 46030, IN BOXES, CRATES, DRUMS OR PACKAGES 2440, 2445, 2516 OR 2521.  <b>5 GALLON PAILS</b>	2825 LB	
1143	SUBTOTAL		SUBTOTAL	40476 LB	

Fiaccards provided.

Messages MUST CALL 48HRS BEFORE DELIVERY AT 352 372 3931 LESS THAN TRUCKLOAD ORDERS WILL BE COMBINED FOR FULL TRUCKLOAD BY TEC PP IC  
Protect from freezing  
PROTECT FROM FREEZING

*Place 2052*

\_\_\_\_\_ # ( ) pallets  
Said to contain ( ) pieces  
\_\_\_\_\_ # Total weight

SHIPPER: TEC

DATE: \_\_\_\_\_ SEAL NO.: \_\_\_\_\_

Per: \_\_\_\_\_

ROUTE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

Car/Vehicle No.: \_\_\_\_\_

Per: \_\_\_\_\_

THIS BILL OF LADING IS TO BE SIGNED BY THE SHIPPER AND CARRIER. ALL DRIVERS ARE RESPONSIBLE TO SIGN FOR THE NUMBER OF PACKAGES RECEIVED ON THIS BILL.

Received at the point of origin on the date specified, from the consignor mentioned herein, the property herein described, in apparent good order, except as noted (contents and conditions of contents of package unknown) marked, consigned and destined as indicated below, which the carrier agrees to carry and to deliver to the consignee at the said destination, if on its own authorized route or otherwise to cause to be carried by another carrier on the route to said destination, subject to the rates and classification in effect on the date of shipment. It is mutually agreed, as to each carrier of all or any of the goods over all or any portion of the route to destination, and as to each party of any time interested in all or any of the goods, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, including conditions on back hereof, which are hereby agreed by the consignor and accepted for himself and his assigns.

Send Prepaid Freight Bill To:  
H.B. Fuller Company  
C/O Menlo Worldwide Logistics  
PO Box 5159  
Portland, OR 97208

24 HOUR MEDICAL NUMBER: 1-888-853-1776  
FORM NO. 244