



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 24 2014

Mr. James Cherry
J.B. Hunt Transport, Inc.
615 J B Hunt Corporate Drive
Lowell, AR 72745

Ref No. 14-0106

Dear Mr. Cherry:

This is a response to your May 30, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to placarding. Specifically, you request clarification on what constitutes substantially reduced placard visibility.

In your email, you provide examples of damaged placards. As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter.

All are considered "substantially reduced" because for each example provided, the format has been substantially reduced. The format of the corrosive placard must be as shown in § 172.558.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

Dirk Der Kinderen
Acting Chief, Standards Development
Standards and Rulemaking Division

Suchak
§ 172.516 (c)(6)
Placarding

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, May 30, 2014 4:36 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request letter of interpretation - 49 CFR 172.516 (c)(6)

14-0106

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,

Victoria

From: James_Cherry@jbhunt.com [mailto:James_Cherry@jbhunt.com]
Sent: Friday, May 30, 2014 9:25 AM
To: INFOCNTR (PHMSA)
Cc: HAZMAT@jbhunt.com
Subject: Request letter of interpretation - 49 CFR 172.516 (c)(6)

(6) Be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter;

To whom it may concern:

I am looking for clarification on what constitutes "substantially reduced" visibility of the placard due to factors such as damage from road debris or weather. The way I train drivers is that any damage can be interpreted as "substantial," and the DOT allows inspectors wide latitude in enforcing the regulation; drivers must inspect their placards regularly and repair or replace them if there is any visible damage. On the other hand, if a reasonable person can clearly perceive that it is a hazmat placard, determine the hazard class, etc the case can be made that the placard was provided by the shipper in good faith, affixed by the driver in good faith and that road damage caused the placard to get out-of-spec, non preventable, without adversely impacting safety.

Example 1:



Example 2:



Example 3:



Example 4:



Example 5:



Example 6:



Thanks,

James Cherry | Hazardous Materials Coordinator | Safety - Compliance



479.419.3838 (O) | 479.236.6792 (C) | 479.820.5723 (F)

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