

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Guidance and Interpretation  
**Date:** Thursday, October 31, 2024 9:59:40 AM  
**Attachments:** [image001.png](#)  
[A. Duie Pyle PHMSA Attachment Letter 10-2024.pdf](#)

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Hello Hazmat Interps,

Please see the attached request for a letter of interpretation.

Thanks,  
Janaye

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**From:** Rich Kaczynski <[rkaczynski@aduiepile.com](mailto:rkaczynski@aduiepile.com)>  
**Sent:** Wednesday, October 30, 2024 4:23 PM  
**To:** PHMSA HM InfoCenter <[PHMSAHMInfoCenter@dot.gov](mailto:PHMSAHMInfoCenter@dot.gov)>  
**Cc:** Rich Kaczynski <[rkaczynski@aduiepile.com](mailto:rkaczynski@aduiepile.com)>  
**Subject:** Guidance and Interpretation

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon-

By way of introduction, my name is Rich 'K' Kaczynski and I am the Safety Manager with A. Duie Pyle Inc, an LTL Transportation Company headquartered in West Chester PA. We recently had a Level I roadside inspection and cited with a hazmat violation that we are needing some guidance and interpretation on. I have attached an interpretation letter to this email that I would like to respectfully submit for your review and guidance on. If I need to submit this in another way could you kindly please provide me direction. If not, I will wait for your response on our questions. If you need additional information please feel free in reaching out to me directly via my email [rkaczynski@aduiepile.com](mailto:rkaczynski@aduiepile.com) or on my cell phone @ 484-571-0030.

Thanks you very much for your time and consideration.

-RichK

**Rich 'K' Kaczynski | Loss Prevention**  
610-696-5800 x33182 (O) 484-571-0030 (C)  
A. Duie Pyle, Inc. | [www.aduiepile.com](http://www.aduiepile.com)



## **Integrated Supply Chain Solutions**

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Mr. Shane Kelley  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

October 30, 2024

Dear Mr. Kelly;

We recently had a one of our trucks pulled over for a Level I roadside inspection and during the inspection we were cited under 49 CFR §177.823(a) for a securement strap (used to secure a hazardous materials shipment that was staged inside our trailer) for obscuring a hazard class label and required markings on the shipment by the strap. It was further noted in the Roadside Inspection Report: *"Required Corrosive label and markings (UN ID and Proper Shipping Name) obscured by tie down strap. Reference §172.406(f) and 172.304(a)(3)."*

Here are some pictures provided by the inspecting Trooper of the actual freight and securement strap in question discovered during the inspection:



In a follow-up phone conversation with the inspecting Trooper it was stated that the reason we were cited was in both §172.406(f) & §172.304(a)(3) it states that:

§172.406(f) – *Visibility.* A label must be clearly visible and may not be obscured by markings or attachments.

§172.304(a)(3) – The marking required in this subpart must be unobscured by labels or attachments.

The inspecting Trooper stated in their opinion the securement strap shown in this example was considered an attachment and therefore was in violation of §172.406(f) & 172.304(a)(3).

That said, I have the following questions that we would like your interpretations on:

1. What is the definition of an 'attachment' as referenced in §172.406(f) & 172.304(a)(3)?
2. Is a securement strap or other freight securement devices commonly used in the transportation industry used to meet the securement requirements stated in §177.834(a) considered an attachment?
3. If a securement strap is considered an attachment, would the example pictured below be in violation of §172.406(f) & 172.304(a)(3) since it partially covers the required hazard class labels and markings?



4. In the example below, if a freight securement load bar is partially obscuring the hazard class labels and required markings, would that be a violation of §172.406(f) & 172.304(a)(3)?



5. In the example below, if other freight that is loaded behind a hazmat shipment already staged in a trailer is partially obscuring the hazard class labels and required markings, would that be a violation of §172.406(f) & 172.304(a)(3)?



6. In the example below, it is common practice in the freight transportation industry to use pallets and other means of dunnage to help protect and secure hazmat freight in a trailer during the course of transportation. If the pallet or dunnage shown below is partially obscuring the hazard class labels and required markings, would that be a violation of §172.406(f) & 172.304(a)(3)?





650 Westtown Road, P.O. Box 564  
West Chester, PA 19381-0564  
800.523.5020 [www.aduiepile.com](http://www.aduiepile.com)

Thanking you in advance for your help and interpretations on the questions included in this letter. If you need additional information please feel free in reaching out to me directly at the information provide below. Stay well.

Respectfully submitted,

Richard D. Kaczynski CDS

**Rich 'K' Kaczynski | Safety Manager**

Office: 610-696-5800, ext. 3182 | Cell: 484-571-0030

[rkaczynski@aduiepile.com](mailto:rkaczynski@aduiepile.com)

A. Duie Pyle, Inc | [www.aduiepile.com](http://www.aduiepile.com)

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West Chester PA 19381



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U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 12, 2025

Rich Kaczynski  
Safety Manager  
A. Duie Pyle, Inc.  
650 Westtown Road  
P.O. Box 564  
West Chester, PA 19381-0564

Reference No. 24-0105

Dear Mr. Kaczynski:

This letter is in response to your October 30, 2024 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to marking and label visibility requirements as it relates to §§ 172.304(a)(3) and 172.406(f), respectively. Also, you provide several photographs of motor vehicle trailer loading configurations and ask whether they are deemed compliant with the referenced visibility requirements. Note that there are separate display and visibility requirements specific to UN identification number marking and placards on packages that are loaded in or on a transport vehicle, as well as placarding requirements for transport vehicles loaded with hazardous materials, that provide extra hazard communication (*e.g.*, §§ 172.326(c), 172.331(c) and 172.504(c)).

We have paraphrased and answered your questions as follows:

- Q1. What is the definition of an “attachment” as referenced in §§ 172.304(a)(3) and 172.406(f)?
- A1. The HMR does not define the term “attachment.” The intent of the requirements in §§ 172.304(a)(3) and 172.406(f) is to ensure that required marking(s) and label(s) clearly communicate the hazard(s) presented within the package and that the display of the required marking(s) and label(s) is not obstructed by any additional markings, labels, or package attachments that may reduce the effectiveness of the required hazard communication.
- Q2. Is a securement strap, or other freight securement devices commonly used in the transportation industry, used to meet the securement requirements stated in § 177.834(a) considered an attachment?

A3. Please refer to answer A1.

Q3. If a securement strap is considered an attachment, would the example provided be in violation of §§ 172.304(a)(3) and 172.406(f) since it partially covers the required hazard class labels and markings?

A3. No. The HMR do not specifically address the visibility of a package's markings and labels when loaded onto or in a transport vehicle or in a freight container as it relates to other hazardous materials packages, other non-hazardous items aboard the vehicle or container, or means of securement (*e.g.*, straps). In addition, specific means for securement and orientation of packages beyond § 177.834(a) and (b) are not specified in the HMR. However, loading, and securing packages in a transport vehicle in a manner that makes it difficult for emergency response personnel to identify potential hazards may delay emergency response efforts. Furthermore, difficulty in determining whether the package conforms to marking and labeling provisions may result in the frustration of the shipment by carrier or enforcement personnel.

Q4. If a cargo securement load bar is partially obscuring hazard class label(s) and marking(s)—as shown in the photograph provided—would this be a violation of §§ 172.304(a)(3) and 172.406(f)?

A4. Please refer to answer A3.

Q5. If other cargo is loaded in a trailer in front of or behind cargo that is already loaded in a trailer, but the cargo partially obscures hazard label(s) and marking(s)—as shown in the photograph provided—would this be a violation of §§ 172.304(a)(3) and 172.406(f)?

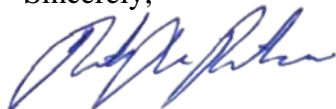
A5. Please refer to answer A3.

Q6. If the pallet or dunnage used to protect and secure hazardous material cargo in a trailer—as shown in the photograph provided—partially obscures the hazard class label and marking would this be a violation of §§ 172.304(a)(3) and 172.406(f)?

A6. Please refer to answer A3.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dirk Der Kinderen', is written over a light blue horizontal line.

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