



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 16, 2026

Tom Forbes
Chief, Motor Carrier Enforcement
Ohio Public Utilities Commission
180 E Broad Street
Columbus, OH 43215

Reference No. 25-0061

Dear Mr. Forbes:

This letter is in response to your May 1, 2025 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marine pollutant marking requirements. Specifically, you ask if it is a violation of the HMR to not display a marine pollutant marking on a Commercial Motor Vehicle (CMV) carrying multiple hazardous materials (including a marine pollutant) that bears a placard or label specified in subparts E or F of Part 172 on said CMV?

No. As stated in § 172.322(d)(3), the marine pollutant mark is not required on a bulk packaging, freight container, or transport vehicle that bears a label or placard specified in subparts E or F of Part 172. As you stated in your letter, the CMV is placarded; therefore, the marine pollutant marking is not required.

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

Sincerely,

A handwritten signature in blue ink that reads "Alexander Wolcott".

Alexander Wolcott
Acting Chief, Regulatory Review & Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Baker, Yul \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Interpretation Request
Date: Thursday, May 1, 2025 16:42:09
Attachments: [image001.png](#)

Hi Alice,

Please see the below interpretation request and attachments. Let us know if you need anything.

Sincerely,
Janaye

From: tom.forbes@puco.ohio.gov <tom.forbes@puco.ohio.gov>
Sent: Thursday, May 1, 2025 3:41 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation Request

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.

Info Center:

Please forward this for a written interpretation Request.

An enforcement officer recently stopped a CMV transporting 2 hazardous materials in bulk packages. One material the UN1263 was a flammable material and was not a marine pollutant. The other material was UN3082 and was a marine pollutant. The CMV was displaying class 3 placards with 1263 ID markings on both ends and sides. The CMV failed to display 3082 marking or class 9 placards (placards not required on domestic shipment).

When 172.322(d)(3) states Except for transportation by vessel, on a bulk packaging, freight container or transport vehicle that bears a label or placard specified in subparts E or F of this part. Is this referencing properly placarded or labeled for the material that is a marine pollutant or properly placarded for any HM of the CMV. Photos attached.

The UN 3082 IBCs did not display placards or labels and were also not marked as marine

pollutant. We have no questions about the package violation just proving full details.

Q-1 In this case is there a violation for the CMV not displaying the marine pollutant marking?

Thank you for your review and input.

Respectfully,

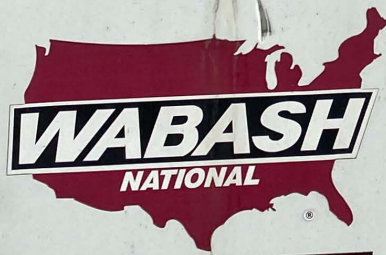


Tom Forbes
Chief, Motor Carrier Enforcement
180 E Broad Street
Columbus, Ohio 43215
D: 614.644.0296 C: 614.519.2811
tom.forbes@puco.ohio.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

The State of Ohio is an Equal Opportunity Employer and provider of ADA services.

617148



Straight Bill of Lading - Short Form - Original - Non Negotiable

Customer	Axalta Coating Systems	BOL #	KAGA - 001026
Carrier	Go To Transportation-RXO Capacity Solutions	Truck #	
Shipper	Axalta Coating Systems	Consignee	Quala
Address	7777 KIA Parkway - Dock: PEO2 - Paint	Address	50321 E. Russell Schmidt Blvd.
Address 2	West Point, GA 31833	Address 2	Chesterfield MI 48051
Contact	Grady Kevin Bailey	Contact	Quala
Telephone	334-436-0759	Telephone	5865980529
Ship Date	Thursday, April 24, 2025	Ship Date	Friday, April 25, 2025

Pkgs#	Hazmat	Kind of Package, description of articles, special marks and exceptions, (list hazardous materials first)	Skids	Weight
7	XX	UN1263 Paint, class 3, PG III, residue last contained, (6) steel totes		5,292
5	XX	UN3082 Environmentally Hazardous substance, liquid, n.o.s. (Dibutyl tinoxide) ,class 9, PGIII, Marine Pollutant, residue last contained, (6) Empty totes, steel mesh outer shell with plastic liner NMFC 41024 SUB 2 CLASS 200		735
	XX	UN3082 Environmentally Hazardous substance, liquid, n.o.s. (Dibutyl tinoxide) ,class 9, PGIII, Marine Pollutant, residue last contained, (0) steel totes		
20		NOT REGULATED Residue Last contained: Axalta Coating systems Germany - WATERBORNE PRIMER TECHNOLOGY (13) Empty totes, steel mesh outer shell with plastic liner NMFC 41024 SUB 2 CLASS 200		2,940
16		NOT REGULATED Residue Last contained: Axalta Coating systems Germany - WATERBORNE BASECOAT TECHNOLOGY (13) Empty totes, steel mesh outer shell with plastic liner NMFC 41024 SUB 2 CLASS 200		2,352
			Total Weight	11,319

For a CHEMICAL EMERGENCY CONTACT Axalta Day or Night by Calling CHEMTREC --(800)424-9300 (Toll-Free)

Refused Empty Tote Return
Unvers initials:

PLACARDS REQUIRED UN1263 & UN3082
NO YES
For Trucks- 1000 Lbs. or more of Hazardous Material

Carrier has Emergency Response Information and verified placards supplied.
Driver's Initials: X

The property described above is in apparent good order, except as noted (contents and condition of contents in packages unknown) marked, labeled, and are in proper condition for transportation according to the applicable regulations of the department of transportation.

Subject to section 7 of the conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, 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.

Signed: Kevin Bailey

Date: **4/24/2025**

Signed: **X**

except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated above which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination,. It is mutually agreed as to each carrier of all or any of said property over all or any portion of said route to destination and as to each party at any time interested in all or any said property that every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment.

The property described above is received in apparent good order, except as noted.

THIRD PARTY FREIGHT CHARGES BILL TO:

Axalta Coating Systems
C/O Cass Information Systems - P.O. Box 67
St. Louis, MO 63166-0067
Freight Charges are: