



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 24, 2019

Brad Gibson  
Sergeant,  
Texas Highway Patrol  
6200 Guadalupe Street,  
Building P  
Austin, TX 78752

Reference No. 18-0146

Dear Sergeant Gibson:

This letter is in response to your November 13, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. In your email, you describe a scenario in which a motor vehicle was placarded to indicate a Class 8 corrosive material, but upon inspection of the vehicle, you found that it was transporting packages classed as Other Regulated Material (ORM-D). However, the hazardous material in question was a Class 8 corrosive material prior to being reclassified as ORM-D. Specifically, you ask whether this scenario is acceptable within the HMR.

The answer is yes. Section 172.502(c) states that placards may be displayed for a hazardous material, even when not required, if the placarding otherwise conforms to the requirements of this Subpart F - Placarding. Additionally, § 172.502(a)(1) states that placarding is permitted when the material being offered or transported is a hazardous material, the placard represents a hazard of the hazardous material being offered or transported, and any placarding conforms to the requirements of Subpart F. While the material in question may have been reclassified as an ORM-D, the material still presents a Class 8 (corrosive) hazard and therefore a Class 8 placard is acceptable.

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

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

Walcott  
§172.500(b)(2)

18-0146

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, November 13, 2018 1:50 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Formal Letter of Interpretation

**Follow Up Flag:** Follow up  
**Due By:** Friday, November 16, 2018 11:00 AM  
**Flag Status:** Flagged

Hello Alice and Ikeya,

Please see Brad Gibson's email below for an official letter of interpretation request. Molly (HMIC) spoke with Brad over the phone before he sent in his request.

Thanks,

Lynsie

**Lynsie Patschke**

*Transportation Regulatory Specialist*  
Hazardous Materials Information Center  
Pipeline and Hazardous Materials Safety Administration  
202.366.4488  
[lynsie.patschke.ctr@dot.gov](mailto:lynsie.patschke.ctr@dot.gov)

**From:** brad.gibson@dps.texas.gov  
**Sent:** Tuesday, November 13, 2018 11:56 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Cc:** Cottle, John <John.Cottle@dps.texas.gov>  
**Subject:** Request for Formal Letter of Interpretation

To whom it concerns,

Please allow this email to serve as a request for a formal written interpretation from PHMSA concerning the following question.

Is a vehicle transporting a Class 8 hazardous material, that has been properly classed as an ORM-D, permitted to display Corrosive placards (172.502(c)) or is placarding of the vehicle not allowed since no placard exists under Table 2 for the ORM-D category of material (172.504(e))? The usage of the word "classed" in 172.500(b)(2) is also a point of contention and confusion regarding this issue, given that it tends to lead someone to believe that once someone "classes" a hazardous material as an ORM-D, that the original hazard class is no longer available for permissive placarding purposes.

I would like to thank you in advance for your assistance in this matter, as it is greatly appreciated.

My mailing address is as follows:  
6200 Guadalupe St., Bldg. P  
Austin, TX 78752

**Brad Gibson**

Sergeant, Texas Highway Patrol Division  
Commercial Vehicle Enforcement Training Unit  
(512) 486-6481 - Office (Austin)  
(512) 424-2539 - CVE Training (Austin)  
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