



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 7, 2020

Lisa O'Donnell  
National Motor Freight Traffic Association, Inc  
1001 North Fairfax Street, Suite 600  
Alexandria, VA 22314

Reference No. 20-0019

Dear Ms. O'Donnell:

This letter is in response to your March 3, 2020, email and phone conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the non-bulk package aggregate gross weight placarding exception. Specifically, you describe a scenario in which non-bulk packages, such as drums, containing a hazardous material listed on Table 2 of § 172.504(e) are strapped to a pallet. You state that the gross weight of the hazardous material and non-bulk packages is under 1,001 lbs.; however, when the pallet and straps are considered in the shipment, the weight exceeds 1,001 lbs. You ask whether the weight of the pallet must be considered when determining the applicability of the 454 kg (1,001 lbs.) aggregate gross weight placarding exception in § 172.504(c) for non-bulk packages.

The answer is no. The § 172.504(c) exception is based on the gross weight of the packaging and the hazardous materials being transported. Section 171.8 defines gross weight as "the weight of a packaging plus the weight of its contents." Packaging means a receptacle and any other components or materials necessary for the receptacle to perform its containment function. In the scenario you described, the packaging is the non-bulk packaging. Thus, the pallet and straps are part of an overpack used for convenience in handling the packages or consolidating the packages together, they are not part of the packaging. Therefore, the weight of the overpack should not be considered when calculating the gross weight to determine whether it equals or exceeds the threshold amount of 454 kg (1,001 lbs.).

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

Sincerely,

*Shane C. Kelley*

Shane Kelley  
Director,  
Standards and Rulemaking Division  
Office of Hazardous Material Standard

Patrice  
20 0019

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, March 3, 2020 4:05 PM  
**To:** Hazmat Interps  
**Subject:** FW: Formal Letter of Interpretation Request  
**Attachments:** Interpretation Request on 49 CFR 172.504.pdf; ODonnel\_LOI-3-3-20.docx

Hello Alice and Ikeya,

Please see attached for letter of interpretation request.

Thank you,

Kathryn (HMIC)

**From:** Lisa O'Donnell [mailto:Lisa.ODonnell@nmfta.org]  
**Sent:** Tuesday, March 3, 2020 3:05 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Formal Letter of Interpretation Request

To Whom it May Concern:

Please forward the attached request to PHH-10 so that we may receive a formal letter of interpretation.

Thank you!

Lisa

Lisa O'Donnell  
National Motor Freight Traffic Association, Inc.  
1001 North Fairfax Street, Suite 600  
Alexandria, VA 22314  
703-838-1838





March 3, 2020

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

RE: Application of 49 CFR §172.504(c) to Palletized Shipments of Hazardous Materials

Dear Mr. Kelley:

A National Motor Freight Traffic Association, Inc (NMFTA) carrier member received a pallet load of drums containing a hazardous material in a Hazard class or Division listed in §172.504(e), Placarding Table 2. While the aggregate gross weight of the hazardous material contained in drums plus the pallet was 1,001 pounds or greater, which precludes the use of the placarding exception specified in 49 CFR §172.504(c), the aggregate gross weight of the hazardous material contained in drums minus the pallet was under 1,001 pounds.

Municipalities throughout the United States often impose more stringent requirements on transport vehicles containing hazardous materials that are placarded than on transport vehicles that are not placarded. These requirements, which include route restrictions, added fees and limited delivery hours, often cause delays or otherwise frustrate the transportation of hazardous materials.

In this scenario, is there guidance PHMSA can provide to the carrier or the offeror to enable them to comply with the Hazardous Materials Regulations and, at the same time, permit the use of the placarding exception specified in 49 CFR §172.504(c)?

Any help you can provide would be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Lisa K. O'Donnell".

Lisa O'Donnell  
National Motor Freight Traffic Association, Inc.  
1001 North Fairfax Street, Suite 600  
Alexandria, VA 22314  
[odonnell@nmfta.org](mailto:odonnell@nmfta.org)  
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