



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 26, 2020

Mr. Robert L. Lewis, Jr.
[ADDRESS RESTRICTED]

Reference No. 19-0116

Dear Mr. Lewis:

This letter is in response to your October 3, 2019, and October 8, 2019, emails requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to hazardous material marking requirements for portable tanks. Specifically, you ask whether an IM 101 portable tank with a capacity greater than 1,000 gallons, but containing less than 1,000 gallons, can be marked with the UN identification number “2651” on a POISON placard (Division 6.1) on all four sides and with this same UN identification number on an orange panel on two opposing sides. You state that you encountered an IM 101 portable tank marked and placarded in this manner and enclosed a drawing representing the type and location of signage that you saw.

The HMR require an IM 101 portable tank that contains “UN2651, 4, 4”-Diaminodiphenyl methane, 6.1, Packing Group (PG) III,” to be marked and placarded on each side and each end, as prescribed in §§ 172.326(c), 172.332, 172.503, and 172.504(a). However, a portable tank with a capacity less than 3,785 liters (1,000 gallons) may, alternatively, be placarded or labeled on only two opposing side sides as prescribed in § 172.514(c).

You also note that the portable tank is marked on two opposing sides with an additional orange panel that has the number “60” printed on it. The HMR requires orange panels be marked with a UN identification number only (see § 172.332(a) and (b)). The stacked orange panels with the top panel displaying two, three, or four characters is a European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) requirement (see ADR §§ 5.3.2.1.1, 5.3.2.2.3, and 5.3.2.3.2). 49 CFR Part 171, Subpart C (international regulations), permits marking in conformance with the International Civil Aviation Organization (ICAO) Technical Instructions, International Maritime Dangerous Goods or (IMDG) Code, or Canadian Transportation of Dangerous Goods (TDG) Regulations if a material is hazardous or a dangerous good under any of these regulations. The HMR do not recognize the ADR.

When a portable tank of hazardous material imported into the United States in conformance with the ICAO Technical Instructions, IMDG Code, or TDG Regulations is permitted to display ADR markings under these regulations, it may be offered for transportation and transported in the United States to its final destination under the regulatory structure to which it was prepared and offered, but within the limits set forth in the HMR. However, when reoffered for transportation wholly within the United States, to comply with the HMR, the orange panels you describe that contain the number "60" must be obscured or removed.

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

Sincerely,

A handwritten signature in blue ink, reading "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Edmonson

19-0116

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, October 03, 2019 2:09 PM
To: Hazmat Interps
Subject: FW: Request for formal letter of interpretation
Attachments: PHMSAexample.jpg

Hello Alice and Ikeya,

Please see below (and attached image) for letter of interpretation request. The requester spoke with Sarah in the HMIC. He was requesting a letter regarding additional marking and if they're still subject to 172.302(a). We were unable to find any concrete guidance about this scenario, but using 172.331, indicated that they would be required to follow the regulations if still applying the orange panels with the UN ID in addition to the placard with the UNID and suggested that this method should be avoided to reduce frustration of the shipment but he continued to ask for a letter about this scenario.

Please contact our office with any questions.

Thank you,
Kathryn, HMIC

From: Lewis Jr., Robert L. [mailto:rllewis@mdot.ms.gov]
Sent: Thursday, October 3, 2019 12:33 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Request for formal letter of interpretation

Good afternoon,

I would like to request a formal letter of interpretation.

I've come across a company that was hauling an IM-101 portable tank (>1000 gal) that was placarded with the UN number "2651" on each side and each end. It was also displaying, in addition to the placards with the UN number displayed, an orange panel displaying UN number "2651" on each side but not each end. Since the IM-101 tank was >1000 gallon capacity does the shipper/company need to display the UN#/orange panel configuration on each side and each end even though it is placarded (with the UN number 2651) on each side/end?

I have drafted and attached a drawing to try and explain visually what I saw and what I am referring to. The picture shows a generic truck but it is only to be used as an example.

Please send the formal letter to:

244 Church Ave, Gulfport, MS 39507

Contact: 601-228-3833

(Please keep this address and contact number confidential and not released to the public)

Or

rllewis@mdot.ms.gov

Thank you for any guidance on the matter,
R. Lewis

Ofc. Robert L. Lewis G33

MDOT Law Enforcement

rllewis@mdot.ms.gov



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