



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

December 16, 2020

Justin J. Marks  
Clark Hill PLC  
1001 Pennsylvania Ave NW  
Washington, DC 20004

Reference No. 20-0074

Dear Mr. Marks:

This letter is in response to your September 3, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to marking and labeling requirements for propane tanks. In your email, you state that your client is a company that manufactures large propane tanks ranging in size from approximately 6 feet long and 3 feet high, to approximately 24 feet long and 5 feet high. You state that your client ships these propane tanks new, empty, and with shrink-wrapped valves. You also state that your client would like to adhere an accompanying label/markings to each propane tank, and you have included a picture of the label/markings along with your email. As shown in the picture, the top of the rectangular label/markings has a large red banner that contains an exclamation mark inside of a white triangle and the word "DANGER," the left-hand side has a black and white flame symbol, and the right-hand side contains an "explosion hazard" warning as well as additional warnings for other problems owners should be aware of described in plain text. Specifically, you ask whether it would be a violation of the HMR to adhere the warning label/markings described above to a propane tank.

The answer is no. Section 172.401(b) prohibits a person from offering or transporting a package bearing a marking or label which by its color, design, or shape could be confused with or conflict with a label in the HMR. Based on the information provided in your email and review of the picture of the label/markings itself, it is the opinion of this Office that the label/markings would not be in violation of the HMR. However, please note that the "flame" symbol is similar to the Globally Harmonized System labels regulated by the Occupational Safety and Health Administration and may frustrate the transportation of the shipment.

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 "T. Glenn Foster".

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

**From:** [DerKinderen, Dirk \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Subject:** FW: Warning Sticker  
**Date:** Friday, September 11, 2020 2:43:21 PM  
**Attachments:** [Warning Label.png](#)  
[image002.png](#)

---

Hi Alice,

Did Mike forward this to you for inclusion as a request for an interp?

If not, let's create a record and assign.

Thanks,  
Dirk Der Kinderen  
Chief, Standards Development Branch  
PHMSA  
202-366-4460

---

**From:** Horsley, Adam (PHMSA)  
**Sent:** Thursday, September 10, 2020 10:08 AM  
**To:** DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>; Ciccarone, Michael (PHMSA) <m.ciccarone@dot.gov>  
**Subject:** FW: Warning Sticker

Hi Dirk and Mike,  
Can we please treat this as a request for a letter of interpretation? Please let me know if we need additional information from Justin Marks.  
Best,  
- Adam

**Adam Horsley**  
Deputy Assistant Chief Counsel, Office of Chief Counsel

US Department of Transportation  
**Pipeline and Hazardous Materials Safety Administration**  
1200 New Jersey Avenue, S.E., Washington, D.C. 20590  
Office: 202.366.8000 ◊ Facsimile: 202.366.7041

[PHMSA Home](#) | [LinkedIn](#) | [Twitter](#) | [HAZMAT](#) | [OPS](#)



**PRIVILEGED & CONFIDENTIAL:** This e-mail, including any attachments, is confidential, intended only for the named recipient(s) above and may contain information that is privileged, confidential, attorney work product or otherwise legally protected. If you have received this message in error, or are not the named recipient(s), please immediately notify me and permanently delete this e-mail message and any attachments from your workstation and/or network mail system.

---

**From:** Marks, Justin J. [<mailto:jmarks@ClarkHill.com>]  
**Sent:** Thursday, September 3, 2020 6:28 PM  
**To:** Horsley, Adam (PHMSA) <[adam.horsley@dot.gov](mailto:adam.horsley@dot.gov)>  
**Subject:** Warning Sticker

**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.

Hi Adam:

Attached is the warning sticker that we discussed on the phone. And here is a summary of the client's situation:

The company manufactures large propane tanks ranging in size from approximately 6 feet long and 3 feet high to approximately 24 feet long and 5 feet high.

The company ships the tanks new, empty, with shrink wrapped valves. They want to include warning labels on the tanks.

I appreciate your help in determining that the client will not run afoul of PHMSA's regulations.

Thanks,

Justin

**Justin J. Marks**

CLARK HILL PLC

1001 Pennsylvania Ave. NW | Washington, DC 20004  
202.772.0916 (Direct) | 202.772.0930 (Fax) |  
[jmarks@ClarkHill.com](mailto:jmarks@ClarkHill.com) | [www.clarkhill.com](http://www.clarkhill.com)

*This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify us immediately by reply email and destroy all copies of this message and any attachments. Please do not copy, forward, or disclose the contents to any other person.  
Thank you.*