



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 15, 2021

L'Gena Shaffer
IVODGA
10 Hunter Brook Lane
Queensbury, NY 12804

Reference No. 18-0015R

Dear Ms. Shaffer:

This is a revised response more appropriately representing the scenario in your February 5, 2018, email and letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the hazardous materials (hazmat) endorsement on a Commercial Driver's License (CDL). You describe a scenario in which a container filled with a Class 9 material is shipped internationally to the United States and placarded in accordance with Chapter 5.3 of the International Maritime Dangerous Goods (IMDG) Code. You ask if the driver transporting the container domestically is required to have a hazmat endorsement on his or her CDL if the placards remain permissively affixed to the container.

The answer is no. For purposes of 49 CFR Part 383 and the applicability of the CDL hazmat endorsement, "hazardous materials" is defined in 49 CFR 383.5 as a material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under Subpart F of 49 CFR Part 172; or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73. In accordance with § 172.504(f)(9), a CLASS 9 placard is not required for domestic transportation of Class 9 materials, including the portion of international transportation that occurs in the United States. Therefore, a driver of a commercial motor vehicle transporting a Class 9 material is not required to obtain a hazmat endorsement on his or her CDL. Permissive placarding does not trigger the requirement for a hazmat endorsement.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division