



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

February 5, 2021

Tom Bryant  
GTTC Compliance Manager  
Growmark, Inc.  
2320 SE Maxwell Drive  
Waukee, IA 50263

Reference No. 20-0083

Dear Mr. Bryant:

This letter is in response to your October 27, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the reflective design of a jacket or paint covering an uninsulated cargo tank. Specifically, you provide a photograph of a cargo tank, which shows the cargo tank (indicated as a MC 331 cargo tank) painted red on the upper portion (i.e., the upper third or quarter) and white with text lettering on the lower portion of the cargo tank. You also indicate that the paint company asserts that the red paint has reflective properties.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether the paint scheme shown in the photograph provided meets the requirements of § 178.337-1(d).
- A1. Based on just the photographic evidence provided in your request, this Office is not able to determine the reflectivity of the red paint. As noted in your email, § 178.337-1(d) requires “every uninsulated [MC 331] cargo tank permanently attached to a cargo tank motor vehicle be, unless covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, painted a white, aluminum, or similar reflecting color on the upper two-thirds of area of the cargo tank.” Consistent with previously issued Letters of Interpretation including Ref. Nos. 11-0067, 14-0180, 15-0242, and 19-0107, if the paint on the upper two-thirds of the cargo tank is white, aluminum, or a similar reflecting color to white or aluminum, it would be in compliance with the § 178.337-1(d).

Q2. You ask whether there is a list of reflective colors that meet the requirement in § 178.337-1(d).

A2. The answer is no. The HMR does not specify paint properties or colors that would be deemed as a “similar reflecting color.”

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

Geller

20-0083

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)  
**Subject:** FW: 178.337-1 Question  
**Date:** Wednesday, October 28, 2020 11:57:45 AM  
**Attachments:** [image002.png](#)

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Dear Alice,

Please see below for a letter of interpretation request.

Please contact our office with any questions.

Thank you,

Sarah (HMIC)

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**From:** Bryant, Tom [mailto:[TBryant@growmark.com](mailto:TBryant@growmark.com)]  
**Sent:** Tuesday, October 27, 2020 1:21 PM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** RE: 178.337-1 Question

**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 Sarah, Below is the information as requested.

Thomas William Bryant  
515-512-2538

2320 se Maxwell dr  
Waukee, IA 50263

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**From:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Sent:** Tuesday, October 27, 2020 11:44 AM  
**To:** Bryant, Tom <[TBryant@growmark.com](mailto:TBryant@growmark.com)>  
**Subject:** RE: 178.337-1 Question

This message was sent from outside the GROWMARK Enterprise. Please do not click links, respond directly to sender or open attachments unless you recognize the source of this email and know the content and trusted sender are safe.

Dear Tom,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<https://www.phmsa.dot.gov/phmsa-regulations>

However, before we can submit your request for processing, please respond to this email with:

- Full Name
- Physical Mailing Address
- Telephone Number

Sincerely,

Sarah, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

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**From:** Bryant, Tom [<mailto:TBryant@growmark.com>]  
**Sent:** Tuesday, October 27, 2020 11:48 AM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** 178.337-1 Question

**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.

To Whom it may concern,

I'm seeking an interpretation on the reflective design regulation in section 178.337-1 (4). The reasoning is, I have a customer with a 331 that wants to paint more of their units with the paint scheme in the attached picture. We have contacted the paint company and we were told the red has reflective properties. In my opinion, the regulation wording specifically says, "or similar reflecting color." That is all the regulation is asking to us to verify. With that, I have two questions:

1. Does the picture provided with a red stripe across the top of a 331 meet the HMR requirement stated in section 178.337-1 (4) in PHMSA/DOT opinion.
2. Could PHMSA provide more input on what other reflective colors would meet the HMR requirement.

Thank you for your time,

**Tom Bryant** | GTTC Compliance Manger | [GROWMARK, Inc.](http://GROWMARK, Inc.) | Ph: 515-512-2538  
[tbryant@growmark.com](mailto:tbryant@growmark.com)

