



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

June 24, 2021

Sgt. Kelly F. McClatchy  
Texas Department of Public Safety  
2405 S Loop 250 W  
Midland, TX 79703

Reference No. 21-0042

Dear Sgt. McClatchy:

This letter is in response to your April 19, 2021, email and subsequent phone conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to display of hazard communication (e.g., marks, labels, and placards) on an intermediate bulk container (IBC) transported by highway on a flatbed trailer. Specifically, you provide the following scenario of a transport vehicle carrying IBCs and ask whether it complies with the HMR:


- Multiple IBCs are transported on a flatbed trailer;
- The IBCs are marked and labeled, consistent with §§ 172.400(a)(2) and 172.514(c)(4);
- Straps are used to secure the IBCs to the transport vehicle, which obscure some of the marks and labels displayed on the IBCs; and
- As discussed in a subsequent phone conversation, the transport vehicle is placarded and displays the UN identification number (UN ID#) of the hazardous material in the IBCs.

The answer is yes. As described in your scenario, the IBCs are appropriately marked and labeled in accordance with the HMR. The IBC marks and labels serve as the hazard communication for the package and do not serve as the hazard communication for the transport vehicle. Instead, the placard and display of the UN ID# serve as the hazard communication for the transport vehicle.

Therefore, the IBC marks and labels may be obscured by a securement strap, similar to how they would be obscured when transported within a closed transport vehicle.

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". The signature is fluid and cursive, with the first name "Dirk" being more prominent.

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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)  
**Subject:** FW: Request for formal letter of interpretation  
**Date:** Monday, April 19, 2021 3:38:57 PM  
**Attachments:** [PHMSA Letter.pdf](#)

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Good afternoon Alice,

Please see the attached request for a letter of interpretation. The mailing address for Mr. McClatchy is listed at the bottom of the PDF. Please contact our office with any questions.

Best,

Sarah (HMIC)

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**From:** McClatchy, Kelly [mailto:Kelly.McClatchy@dps.texas.gov]  
**Sent:** Monday, April 19, 2021 2:11 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for formal letter of interpretation

**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.

After a phone conversation with one of you associates this morning, and it being determined that PHMSA has not issued any guidance or formal interpretation related to my request, I am requesting a new formal letter of interpretation to be issued regarding what I perceive is a violation, please see attached.

Thank you

Sergeant Kelly F. McClatchy  
Texas Highway Patrol  
Commercial Vehicle Enforcement  
Midland  
(432) 498-2182 Office  
(432) 210-4748 Cell