



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

1200 New Jersey Avenue, SE
Washington, DC 20590

June 24, 2021

Mr. Jason Ontjes
DOT/Fleet Manager
Jacam Catalyst, LLC
205 S. Broadway
Sterling, KS 67579

Reference No. 21-0046

Dear Mr. Ontjes:

This letter is in response to your April 27, 2021, email 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
- 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 a prominent initial "D".

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Letter of Interpretation
Date: Wednesday, April 28, 2021 11:52:54 AM
Attachments: [image002.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)
[image010.png](#)
[T0819 LEVEL 1 INSPECTION.heic](#)
[T0819 Level 1 Inspection.pdf](#)
[T0819 Level 1 Inspection \(2\).heic](#)
[image001.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

Hello,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

From: Jason Ontjes [mailto:jason.ontjes@jacamcatalyst.com]
Sent: Wednesday, April 28, 2021 10:34 AM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: 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.

4/27/2021

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building, 1200 New Jersey Avenue, SE
Washington, DC 20590-001

RE: Letter of Interpretation

Dear Office of Hazardous Materials Standards:
Jacam Catalyst, LLC requests a letter of interpretation regarding §172.406(f) Placement of labels (visibility).

One of our drivers was issued a violation for §172.406(f). The enforcement officer commented that the label was covered by a strap. One of our DOT Coordinators reached out to the officer to discuss

the violation and the officer stated that the obstruction was because he considered the cargo strap an "attachment".

I would request to see the definition of "attachment" in this situation where as the cargo strap is being utilized to immobilize the IBC. It is not affixed to the IBC and I would state that there is no way that the cargo strap could be defined as being an "attachment" to the IBC, exempting it from the interpretation of obstruction by markings or attachments.

§172.331(c) "states for a bulk packaging contained in or on a transport vehicle or freight container, if the identification number marking on the bulk packaging (e.g., an IBC) required by §172.302(a) is not visible, the transport vehicle or freight container must be marked as required by §172.332 on each side and each end with the identification number specified for the material in the §172.101 table."

Since 172.331(c) states "in or on", and our transport vehicle was marked and placarded appropriately on each side and each end, identifying the hazard and identification number of the product being transported, we were in compliance of Part 172, Subpart D. If labels were required to be clearly visible at all times, than wouldn't all box van trucks, van trailers or flatbed vehicles with stake sides be in violation? They are not in violation because each side and each end are appropriately marked and placarded identifying the hazard.

Thank you very much for your time and I look forward to your response.

Respectfully,

Jason Ontjes

DOT/Fleet Manager

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