



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

1200 New Jersey Avenue, SE
Washington, DC 20590

December 12, 2022

Nicholas Prevosti
Environmental Health and Safety Manager
Clean Earth
115 Jacobus Avenue
Kearny, NJ 07032

Reference No. 22-0106

Dear Mr. Prevosti:

This letter is in response to your October 6, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to prohibited display of placards. Specifically, you ask whether a flip placard displaying “blank” white panels constitutes prohibited placarding in accordance with § 172.502(a)(2). When turned to the “blank” side, a flip placard maintains the square-on-point design (i.e., shape of a placard) but does not display any hazard communication information.

The answer is no, display of a “blank” white flip placard does not constitute prohibited placarding. Similarly, an empty placard holder frame also does not constitute prohibited placarding.

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Clarification on blank Square on Point fillers and interpretation letter 12-0139
Date: Monday, October 17, 2022 4:11:16 PM
Attachments: [120139 misleading information placard holders.pdf](#)

Please see below request for letter of interpretation. An older letter of interpretation was attached as well but it is a different scenario.

Thanks,

Jonathon, HMIC

From: Prevosti, Nicholas <nprevosti@harsco.com>
Sent: Thursday, October 6, 2022 1:37 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Barone, Joe <jbarone@harsco.com>; Fixter, Robert P <bfixter@harsco.com>; Koziol, David <dkozyol1@harsco.com>; Radichel, Jakob <jradichel@harsco.com>; White, Leigha <lwhite@harsco.com>
Subject: Clarification on blank Square on Point fillers and interpretation letter 12-0139

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,

Please clarify if the attached interpretation letter intends to mean that the shape (square on point) on its own, blank, white, with no markings would be considered to be confused with prescribed placards. It is clear that a square on point in conjunction with a red N would meet the prohibition of 172.502(a)(2). The reason for this request for clarification is that it is common practice to flip placards to the blank white square on point side in "slide in holders" and "flip" placards on gondola rail cars and over the road trucks. As they are blank, and white, there are no markings that could be confused with any other placard's color, design, shape or content. It would seem that the reference to "shape" in the regulation would have to refer to the shape of a marking on a placard and not the shape of a placard itself, as the shape of a square on point is a ubiquitous shape and would have far ranging prohibitions. For example, the permanently affixed "flip" placards cannot be removed from the conveyance, so a blank, white square on point must be used as a "null filler" to show there is no placard. Even an empty slide in holder is the shape and size of a square on point, regardless of the presents of a blank, white null filler.

Thank you for your assistance in this matter.

[§ 172.502 Prohibited and permissive placarding.](#)

(a) **Prohibited placarding.** Except as provided in [paragraph \(b\)](#) of this section, no person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car -

(1) Any placard described in this subpart unless -

- (i) The material being offered or transported is a hazardous material;
 - (ii) The placard represents a hazard of the hazardous material being offered or transported; and
 - (iii) Any placarding conforms to the requirements of this subpart.
- (2) Any sign, advertisement, slogan (such as “Drive Safely”), or device that, by its color, design, shape or content, could be confused with any placard prescribed in this subpart.

Nicholas Prevosti CHMM

Environmental Health and Safety Manager

CleanEarth[™]

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U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 25 2012

Sergeant Brad Wagner
Carrier Enforcement Division
Nebraska State Patrol
P.O. Box 94907
Lincoln, Nebraska 68509-4907

Ref. No. 12-0139

Dear Sergeant Wagner:

This responds to your June 19, 2012 request for clarification on prohibited placarding under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked if a red "N" on a white square on point background shown in your attached photographs constitutes a prohibited sign under § 172.502(a)(2).

Section 172.502(a)(2) provides that: [N]o person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car...any sign, advertisement, slogan (such as "Drive Safely"), or device that, by its color, design, shape, or content, could be confused with any placard prescribed in this subpart.

This prohibition is intended to limit the potential dilution of hazard communication provided by the appropriate hazardous materials placards. The display in the photographs you provided is similar in "shape" (square on point configuration) to that of hazardous materials placards, and could be confused with prescribed placards in the HMR. Therefore, the red "N" on a white square on point background is prohibited under § 172.502(a)(2).

I hope this answers your inquiry. If you need additional assistance, contact this office at (202) 366-8553.

Sincerely,

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA STATE PATROL
Colonel David A. Sankey
Superintendent
P.O. Box 94907
Lincoln, Nebraska 68509-4907
Phone: (402) 471-4545

June 19, 2012

Charles E. Betts
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Betts:

Please provide a determination on whether a red "N" on a white square on point background in the attached photos constitute a prohibited sign under §172.502(a)(2).

Thank you for your time and attention in this matter.

Respectfully,

Brad Wagner, Sergeant
Carrier Enforcement Division

Enclosures: (2)

Cc: Captain Krolkowski

File

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§172.502(a)(2)
Placarding
12-0139



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