



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

February 1, 2023

Mr. Deven Hallen
Safety and Health Manager
Senenergy Petroleum
622 S. 56th Ave
Phoenix, AZ 85043

Reference No. 22-0069

Dear Mr. Hallen:

This letter is in response to your May 23, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the visibility and display of placards. Specifically, you request clarification of the requirement in § 172.516(c)(4) which states that each placard on a transport vehicle, bulk packaging, freight container, or aircraft unit load device must be located away from any marking—such as advertising—that could substantially reduce its effectiveness, and in any case be at least three (3) inches (76.0 mm) away from such markings. In your email, you have included photographs which appear to show a tape measure being used to demonstrate the distance between your company's name on the rear of the truck-trailer and a placard. Further, you state that your company has received a violation of the HMR because it was determined that the placard was not at least three (3) inches away from your company's name on the rear of the truck-trailer. You ask—based on the photographs you provided in your email—whether the distance between your company's name and the placard is a violation of § 172.516(c)(4).

The intention of § 172.516(c)(4) is to limit the potential dilution of hazard communication by other markings not required by the HMR. Based on the photographs you provided in your email, it does not appear that there are three (3) inches between your company's name and the placard on the rear of the truck-trailer. However, it is the opinion of this Office that, in your scenario, because your company's name does not cause substantial reduction in the effectiveness of the placard, the provision pertaining to a required distance of 3 inches between your company's name and a placard is not applicable.

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Subject: FW: 172.5176(c)(4) Interpretation
Date: Friday, July 1, 2022 12:36:53 PM
Attachments: [0566_001.pdf](#)
[Photo 2.pdf](#)
[Photo 3.pdf](#)
[image002.png](#)

Hi Alice,

Please see the below interpretation request.

Let us know if you need anything.

Regards,

Josh

From: Approvals (PHMSA) <Approvals@dot.gov>
Sent: Monday, May 23, 2022 12:41 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: FW: 172.5176(c)(4) Interpretation

Completed by Josh at 12:33 PM on 7/1/22
-left a vm saying that the interp request is being forwarded on

Notes: (Please ignore this for the write up Alice)

[6/6 12:06 PM] Denicoff, Joshua CTR (PHMSA)
i could not find anything about his situation
[6/6 12:06 PM] Denicoff, Joshua CTR (PHMSA)
he's asking about 172.516 c 4
[6/6 12:07 PM] Denicoff, Joshua CTR (PHMSA)
the guy is asking whether the 3 inch requirement counts if the placard is raised
[6/6 12:07 PM] Denicoff, Joshua CTR (PHMSA)
but i feel like it does still count
[6/6 12:07 PM] Jones, Breanna CTR (PHMSA)
Ok, give me a moment to take a look at it.
[6/6 12:19 PM] Jones, Breanna CTR (PHMSA)
Yes, this is a LOI, because our opinion on this would be interpretive.

Please see the attached interp request.

Duane M. Cassidy

Chief, Pressure Vessels Branch (PHH-25)
Sciences and Engineering Division
Office of Hazardous Materials Safety

US Department of Transportation
Pipeline and Hazardous Materials Safety Administration
E21-301, 1200 New Jersey Ave SE, Washington, DC 20590
Office: 202.366.5794 ♦ Mobile: 202.596.0583

[PHMSA Home](#) | [LinkedIn](#) | [Twitter](#) | [HAZMAT](#) | [OPS](#)



From: Deven Hallen <Deven.Hallen@gosenergy.com>

Sent: Monday, May 23, 2022 12:16 PM

To: Approvals (PHMSA) <Approvals@dot.gov>

Subject: 172.5176(c)(4) 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.

Please see my enclosed documents in regards to an interpretation of a violation we received.



Deven Hallen | Safety & Health Manager
Deven.Hallen@gosenergy.com | 480-721-4789

Senergy Petroleum
602-272-6795
622 S. 56th Ave
Phoenix, Az 85043
GoSenergy.com

Confidentiality Notice:

The information contained in this e-mail and any accompanying attachments is confidential and protected from disclosure and is intended only for use by the person or entity to whom it is addressed. If you are not the intended recipient, any unauthorized use, disclosure, or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please immediately notify the sender by return e-mail and delete the original message and all copies from your system.



PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Washington, DC 20590

202-366-4433

Please except this letter as my request for an interpretation of 172.516(c)(4) (Visibility and Display of Placards). Most importantly (Placard not located at least 3 inches away from advertising that could reduce its effectiveness.)

Nowhere does it specify if this is on a 2d plain or 3d plain. Many times, placards are at least 3" away from a logo. They are not mounted on the same surface as the logo itself. Like in this case, this placard is mounted to the bumper making it 3" away from the back of the tank. Although the cross measurement is just shy of 3" the depth is more than 3". This does not reduce the effectiveness of the placard itself. There is no specific reference to the logo and the placard being on two completely different mounting surfaces making up the 3" distance.

Also, the measurement is being taken from the edge of the contrasting color of our logo and not the actual Trademarked colors of the logo themselves. Is the contrasting color of the logo included in this measurement? Or should this be exempt from the measurement point as on our white trailers the entire measurement would match.

I'm looking for clarification on this.

Thank you,

A handwritten signature in blue ink, appearing to read 'Deven Hallen', with a long horizontal flourish extending to the right.

Deven Hallen

Safety and Health Manager

Senergy Petroleum

480-721-4789

622 S. 56th Ave

Phoenix, AZ 85043

Deven.Hallen@gosenergy.com



