



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 22 2017

Mr. Brent Olsen
Safety Manager
Thatcher Transportation, Inc.
1905 Fortune Road
Salt Lake City, UT 84104

Reference No. 17-0029

Dear Mr. Olsen:

This letter is in response to your March 21, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the emergency shutoff marking on cargo tanks. You note that § 172.328(d) specifies the emergency shutoff marking must be immediately adjacent to the emergency closure device. You state that you received a violation for the emergency shutoff marking not being close enough to the emergency closure device and include in your email a photo showing the marking approximately 4 inches right of and 12 inches above the device. Specifically, you ask how close the emergency shutoff marking must be to the emergency closure device in order to meet the requirements of § 172.328(d).

Section 172.328(d) does not specify the distance the emergency shutoff marking must be in order to be immediately adjacent to the emergency closure device. However, based on the description you provided in your email and the attached photo, it is the opinion of this Office that the emergency shutoff marking, as pictured, would be considered adjacent to the emergency closure device.

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

Andrews
172.328(d)
Cargo Marking
17-0029

Goodall, Shante CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, March 21, 2017 2:41 PM
To: Hazmat Interps
Subject: FW: Interpretation of 172.328(d)
Attachments: Emergency Shutoff Decal - T-279.jpeg

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Mr. Olsen.

Mailing Address:
Thatcher Transportation, Inc.
1905 Fortune Road
Salt Lake City, Utah 84104

Please let me know if you have any questions.

Thanks,
Jordan

From: Brent Olsen [mailto:Brent.Olsen@tchem.com]
Sent: Tuesday, March 21, 2017 12:28 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Interpretation of 172.328(d)

One of our drivers received a violation in Colorado today because the inspector thought the Emergency Shutoff decal on the left front of the cargo tank should be closer to the actual emergency closure device (a break bolt). Looking at the picture, the decal appears to be about 4 inches to the right of the device and approximately 12 inches above it (see picture in attachment).

172.328(d) does not list any specific distance the decal has to be within, but only states that it must be immediately adjacent to the means of closure. The existing decal was placed there by the cargo tank manufacturer, and they state they've been putting it there for as many years as they can remember.

I couldn't find any interpretation specifying the distance, but that's my question. How close does the Emergency Shutoff decal have to be to the "means of closure" to be immediately adjacent to it? Thank you.

Brent L. Olsen, CDS
Safety Manager
Thatcher Transportation, Inc.
Direct: (801) 924-1413 | **M:** (801) 833-5148

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T279

EMERGENCY
SHUTOFF

