



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

MAR 23 2005

400 Seventh Street, S.W.  
Washington, D.C. 20590

Ms. Christina M. Kurtz  
Supervisor - Regulations and Packaging  
Arkema Inc.  
2000 Market St.  
Philadelphia, PA 19103

Ref. No. 05-0050

Dear Ms. Kurtz:

This is in response to your February 23, 2005 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Maritime Dangerous Goods (IMDG) Code. Specifically you ask who is responsible for removing placards from a freight container after transportation ends.

Under § 172.502 of the HMR, no person may affix or display on a freight container any placard described in Part 172, Subpart F unless the placard represents a hazard of the hazardous material being offered or transported. The person who will re-offer the freight container for transportation will be responsible for ensuring the appropriate placards are applied to the freight container including removal of any existing placards that are not applicable to the current load.

Under the IMDG Code, paragraph 5.3.1.1.1.3 states: "all placards, orange panels, marks and signs shall be removed from cargo transport units or masked as soon as both the dangerous goods or their residues which lead to the application of those placards, orange panels, marks or signs are discharged." The IMDG Code does not specify who must perform this task; however, a carrier will be in violation of the IMDG Code and the HMR if it transports an empty freight container with placards still applied.

You should also be aware that the Department of Labor's Occupational Safety and Health Administration regulations require an employer to retain all hazardous materials markings, labels and placards on incoming packages, freight



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containers, rail freight cars, motor vehicles and transport vehicles containing hazardous materials, until the material is sufficiently removed from the package, container or vehicle to prevent any potential hazard (29 CFR 1910.1201).

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

ARKEMA

Pollack  
§171.1  
Applicability  
05-0050

February 23, 2005

U.S. Department of Transportation  
PHMSA  
400 Seventh Street, S.W.  
Washington, D.C. 20590-0001  
Attn: Standards {DHM-10}

Re: Placarding and §172.502

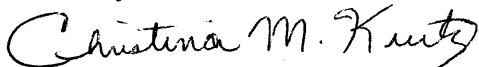
Dear Mr. Mazzullo:

Scenario: A consignee receives an overseas container and unloads the container while the driver is present. Once the container is completely unloaded the placards need to be removed.

Interpretation: It is our understanding that it would be the carrier's responsibility to remove the placards since the carrier is placing the container back into the transportation system. Our contract with the carrier ended when we completely unloaded the freight. Also, we do not want to be responsible for any damage that may occur to the container when scraping off sticker placards. Some of the steamship lines believe it is the responsibility of the consignee to remove the placards. We cannot find any sections in 49CFR or the IMDG Code that states the consignee is responsible for the removal of the placards once a container is empty and is placed back on the road.

Question: Are there any sections in 49CFR or the IMDG Code stating that the consignee is responsible for the removal of the placards after the hazardous material has been completely removed from the container? Shouldn't the carrier be responsible since our contract with them has ended and they are placing the container back on the highway?

Sincerely,



Christina M. Kurtz  
Supervisor – Regulations and Packaging  
Arkema Inc. (formerly Atofina Chemicals, Inc.)