



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAR 17 2009

Mr. Danny Shelton
Vice President, Business Development
HazMat Resources, Inc.
10104 Creedmoor Road
Raleigh, NC 27615

Ref. No. 09-0039

Dear Mr. Shelton:

This is in response to your letter dated February 18, 2009, requesting clarification of §§ 172.504 and 172.516 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask several questions regarding the display of the proper shipping name and the term “Inhalation Hazard” on a cargo tank motor vehicle.

Q1. Is it acceptable to display the proper shipping name on a panel permanently attached to the structure of the cargo tank provided the proper shipping name is clearly visible from any direction?

A1. As required by § 172.328, each cargo tank motor vehicle transporting Class 2 material must be marked on each side and each end with the proper shipping name specified for the gas in the hazardous materials table or an appropriate common name for the material. A panel permanently attached to the motor vehicle may be used to comply with this requirement.

Q2. Is it acceptable to display “Inhalation Hazard” on a panel permanently attached to the structure of the cargo tank that is visible from any direction?

A2. As required by § 172.313, the words “Inhalation Hazard” must be marked on two opposing sides of a bulk packaging. A panel permanently attached to the motor vehicle may be used to comply with this requirement.

Q3. Does the phrase “visible from the direction it faces” as used in § 172.516 mean the placard must be at eye level or can the placard be placed in another location such as the top head of the cargo tank or another location on the cargo tank provided the placard is visible from the direction it faces?

A3. The phrase “visible from the direction it faces” as it is used in this case does not imply the placard must be mounted in any specific position on the cargo tank. However, a placard must be located clear of appurtenances and devices such as ladders or pipes; placed so that

dirt and water is not directed to it from the wheels of the transport vehicle; be located away from any markings that could substantially reduce its effectiveness; maintained so that its legibility, color, and visibility are not substantially reduced because of damage, deterioration, or obscurement; and otherwise conform to the detailed visibility requirements established in § 172.516.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn <PHMSA>

From: Mitchell, Hattie <PHMSA>
Sent: Wednesday, February 18, 2009 4:16 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Display of markings on cargo tanks
Attachments: Communication Requirements 1.pdf

Leary
 § 178.320
 § 178.337-1
 § 178.338-1
 Definitions/Cargo Tanks
 09-0039

Carolyn, please log in as an interp request.

From: Danny Shelton [mailto:dgshelton@nc.rr.com]
Sent: Sunday, February 15, 2009 3:05 PM
To: Mitchell, Hattie <PHMSA>
Cc: dgshelton@nc.rr.com
Subject: Display of markings on cargo tanks

Good morning Hattie, hope you enjoyed your Presidents Day holiday. As we discussed last week I have attached for your review various displays of shipping names, ID numbers on placards, and the phrase "Inhalation Hazard" on cargo tanks. The Department defines a cargo tank as follows:

Cargo tank means a bulk packaging that: (1) Is a tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings, and closures (for the definition of a tank, see 49 CFR 178.320, 178.337-1, or 178.338-1, as applicable);
 (2) Is permanently attached to or forms a part of a motor vehicle, or is not permanently attached to a motor vehicle but which, by reason of its size, construction or attachment to a motor vehicle is loaded or unloaded without being removed from the motor vehicle; and
 (3) Is not fabricated under a specification for cylinders, intermediate bulk containers, multi-unit tank car tanks, portable tanks, or tank cars.

The Department goes on to define motor vehicle as follows:

Motor vehicle includes a vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by

mechanical power and used upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

In addition, the Department defines cargo tank motor vehicle as follows:

Cargo tank motor vehicle means a motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle.

We cannot clearly define what a cargo tank really is unless we read all three definitions together. A cargo tank can be permanently attached to or forms part of a motor vehicle, a motor vehicle is a trailer and a cargo tank motor vehicle is a motor vehicle (trailer) with a cargo tank attached to the trailer.

It is the intent of the communication requirements that the markings, placards and any other additional descriptive terms that are required based on the product being transported be visible from the direction that it faces to ensure that emergency response personnel can determine the potential hazards that may be present during an HM Incident. The regulations say these markings must be on the cargo tank, on the bulk package, etc., but in no case do they ever say they must be affixed to the cargo tank wall. Clearly in the illustrations provided all the markings are clearly visible from the direction they face and the definition of a cargo tank would allow a person to display this information in this manner because what is being illustrated in these pictures is a cargo tank, a bulk package, a motor vehicle and a cargo tank motor vehicle and they are all one and the same.

Based on the regulations as written today please reply to the following questions:

1. Is it acceptable to display the proper shipping name on a panel permanently attached to the structure of the cargo tank that is visible from the direction that it faces irrespective of whether that direction is forward, aft, or laterally?
2. Is it acceptable to display the term "Inhalation Hazard" on a panel permanently attached to the structure of the cargo tank that is visible from the direction that it faces irrespective of whether that direction is forward, aft, or laterally??
3. Does the phrase visible from the direction it faces mean that it must be at eye level or it can it be mounted on top of the head of the cargo tank, mounted near the bottom of the cargo tank or anywhere on the cargo tank as long as it is visible from the direction it faces?

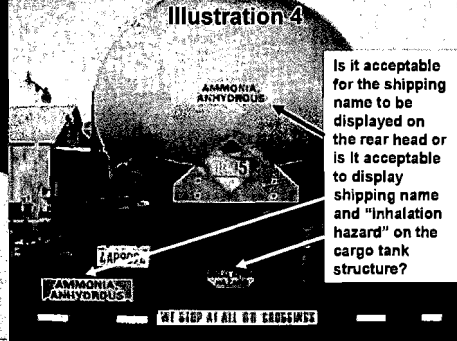
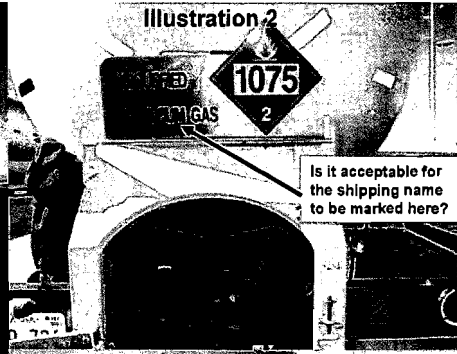
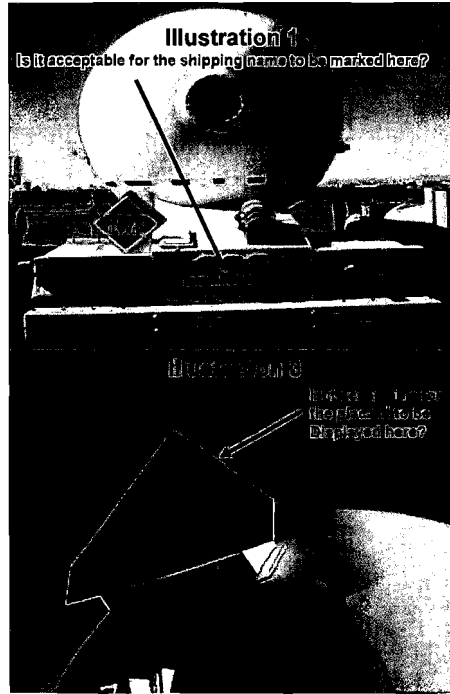
Thank you for your interest in highway safety.

Is it acceptable to display the shipping name on the cargo tank as pictured in illustration 1?

Is it acceptable to display the shipping name, placard and ID number on the cargo tank as pictured in illustration 2?

Is it acceptable to display the placard on the cargo tank as pictured in illustration 3?

Is it acceptable to display to display the shipping name and "inhalation hazard" marking on the rear head of the cargo tank or must these markings be displayed on the rear head of the cargo tank? See illustration 4



Is it acceptable to display the placard and ID number on the stainless steel plate identified as placard and display the shipping name and the phrase "Inhalation Hazard" on a plate permanently attached to the cargo tank structure on the front and rear of the cargo tank and on each side of the cargo tank or must these terms be physically displayed on the cargo tank wall?

