



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

DEC 23 2014

William Burson  
Director, Transportation  
Denton Police Department  
601 E Hickory St. Ste. E  
Denton, Texas 76205

Ref. No.: 14-0183

Dear Mr. Burson:

This responds to your October 3, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking and placarding requirements of transport vehicles containing Intermediate Bulk Containers (IBCs). Your questions are paraphrased and answered below.

- Q1. You provide photographs of an IBC which is labeled in accordance with § 172.514(c)(4) and marked with the identification number in accordance with the size requirements of § 172.302(b)(2). The IBC is loaded on a trailer and the identification numbers on the IBCs are visible from the front and back of the trailer. You ask if the identification numbers must additionally be displayed on the transport vehicle in accordance with § 172.331(c)?
- A1. The answer is yes. For an IBC that is labeled instead of placarded, § 172.514(c)(4) allows display of the proper shipping name and identification number in accordance with the size requirements of § 172.302(b)(2) in place of the identification number on an orange panel or placard, or white square-on-point specified in § 172.302(a).

Section 172.331(c) states when the identification number markings on the IBC specified in § 172.302(a) are not visible, the transport must be marked as required by § 172.332. In your scenario, the IBC is marked in accordance with § 172.302(b)(2) and not § 172.302(a). Therefore, the transport vehicle must also be marked with the identification numbers in the appropriate orange panel, placard or white square-on-point configuration as required by § 172.332.

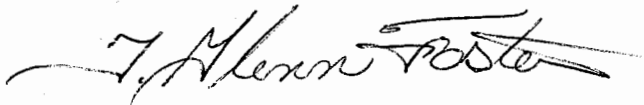
- Q2. You provide a photograph of a "placard tree" where two, double-sided placards are mounted to a post facing opposite directions. You ask whether this configuration meets the requirements of § 172.504 (a) to be "placarded on each side and each end." You further ask whether letters of interpretation Ref. No. 10-0075 and 09-0109 create conflicting guidance with letter of interpretation Ref. No. 13-0086.

A2. The answer to both of your questions is no. When placarding is required by § 172.504 of the HMR, a transport vehicle must be placarded "on each side and each end." In the scenario you describe, both placards are located on a single end of the transport vehicle. Therefore, the placards are not applied to each side and each end as required by § 172.504.

The language you reference in letters Ref. No. 10-0075 and 09-0109 addresses the visibility requirements specified in § 172.516. Both letters describe scenarios where the placards have already met the requirement in § 172.504(a) specifying that they must be adhered to each side and end of the transport vehicle. The letters discuss whether the specific placement on each side and end meets the visibility requirements further specified in § 172.516. Letter Ref. No. 13-0086 is the only letter you reference which addresses whether placement of a placard meets the requirement specified in § 172.504(a) for placement of a placard on the sides and ends of a vehicle. Placards on a transport vehicle must meet the requirements specified in both §§ 172.504 and 172.516. Therefore, the letters do not provide conflicting guidance.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

**Goodall, Shante CTR (PHMSA)**

Lehman  
172.302(a)(2)  
Markings  
14-0183

**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Friday, October 03, 2014 12:54 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation Request; HM Communications; Markings & Placards  
**Attachments:** 2014-10-02\_140525.JPG; 2014-10-02\_140229.JPG; 2014-10-02\_140326.JPG; 2014-10-02\_140405.JPG; 2014-10-02\_140450.JPG

Shante and Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

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**From:** Burson, William S [mailto:Scott.Burson@cityofdenton.com]  
**Sent:** Friday, October 03, 2014 10:22 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** Interpretation Request; HM Communications; Markings & Placards

PHMSA,

I am requesting interpretations of the HMRs pertaining to hazardous materials in highway transport. The HMRs in question relate to hazardous materials communications; marking requirements and placard requirements.

Scenario [Please refer to the five photos attached.]:

A company pickup truck is pulling an open-sided utility trailer in a domestic shipment. [The truck does not display placards or UN identification numbers and does not factor further into this scenario.] Upon the trailer are four IBCs of hazardous materials. The IBCs are secured to the trailer by ratchet straps in a manner that causes two adjacent sides of each IBC to be hidden from view. Conversely, two adjacent sides of each IBC are visible to a side and an end of the trailer.

Forward of the trailer's cargo bed and attached to the trailer is a post that supports what is colloquially known as a "placard tree". The placard tree displays hazard class 3 flammable liquid placards to the front, rear and both sides of the trailer.

Inspection of the IBCs reveals that they are all less than 1,000-gallons in volume. Three are nearly full with UN1230 while the fourth contains only residue of UN1993. Both commodities are hazard class 3. As each IBC has an opposing side that is hidden from view it cannot be ascertained whether the IBCs are in compliance with the marking requirements of 172.302(a)(2). [For practical purposes, let's presume the IBCs are in compliance with 172.302(a)(2).] The visible ends of each IBC displays hazard class 3 flammable liquid labels and the subsidiary class 6 toxic labels. Stenciled on each IBC in 1-inch characters is the UN number for its commodity, however, the IBC containing UN1993 has its identification number obscured from view by a ratchet strap.

From the left or right side of the trailer the only hazardous materials communication visible is the left and right facing placards on the placard tree. From the front, one placard faces forward and two IBCs display markings of "UN-1230". To the rear, one placard faces rearward along with a "UN-1230" marking on the back

left IBC. As stated in the previous paragraph the "UN-1993" marking on the back right IBC is obscured necessitating vehicle markings per 172.331(c).

It appears in this scenario that 172.302(a)(2) requires the company to mark the IBCs with the applicable UN identification number on two opposing sides of each IBC, which we will assume. Further, it appears that 172.302(b)(2) requires the UN identification markings [characters] be a minimum of 0.16-inches in width and 1-inch in height, which we will also assume was satisfied in this instance. However, in this scenario the company has opted to label the IBCs instead of applying placards, utilizing 172.336(d). 172.336(d) provides that, per 172.514(c), an IBC may be labeled in lieu of placards and in such instances, again per 172.336(d), may be marked in accordance with 172.301(a)(1). Yet, 172.301(a)(1) provides for markings characters at a minimum of 0.47-inches in height. And yet further, the transitional provision of 172.301(a)(1)(i) allows for no minimum marking size requirement on domestic shipments until January 1, 2017.

[Note: 172.336(d) references 172.514(c) while contemporaneously allowing for markings size requirements in accordance with 172.301(a)(1), while 172.514(c) itself allows only for the marking size requirements accorded by 172.302(b)(2).]

Markings Question 1: What constitutes a "visible" identification marking on an IBC?

If 172.301(a)(1)(i) allows [albeit, temporarily] an identification marking with no minimum size, it seems that a very small marking may be employed on an IBC so long as it can be seen in some unspecified manner.

172.331(c) states an IBC whose identification number is "not visible" while being transported upon a vehicle requires the transport vehicle to display the appropriate identification number on both ends and both sides in a manner prescribed by 172.332(a). Yet, 172.331(c) does not provide guidance on what constitutes a visible marking. [If an observer stands 10-feet to the side of a vehicle and can see where on an IBC a UN identification marking is located but cannot read it because the font is very small, does that mean the marking is still visible and considered an effective communication while on a transport vehicle?]

Markings Question 2: Is an IBC that is marked on two opposing sides per 172.302(a)(2) required to display those very same identification markings when upon a transport vehicle to prevent invoking transport vehicle marking requirements per 172.331(c)? And, if so, do the IBC markings have to be displayed facing the sides of the transport vehicle, or can they be displayed facing the front and back of the vehicle just so long as the markings are on opposing sides of the IBC?

In the scenario provided, none of the IBCs display UN identification markings on two opposing sides as one IBC is always covering the opposing side of an IBC directly in front or behind. However, the two IBCs on the left side of the trailer have the same identification number, so even though they are two IBCs, the same identifying information is being communicated in two opposing directions just the same as if either the front or the rear IBC was being transported solely. Markings Question 2, above, seeks clarification whether these two packages can combine to communicate the same information in opposing directions *and* whether that communication must be along the transport vehicle's lateral-axis or allowed along the longitudinal-axis [as depicted in the photos].

Placards Question 1: Is the use of a "placard tree", as depicted, an approved method of meeting the requirements of 172.504(a), specifically being "placarded on each side and each end"?

There appears to be several Interpretations to consider in this matter:

- 1.) Interpretation 13-0086 addresses a "two-sided" placard and found that such an arrangement did not satisfy 172.504(a)'s "each side and each end" requirement.
- 2.) Interpretation 10-0075 (emphasized further in Interpretation 10-0254) stated placards adhered to the overpack of a palletized load was sufficient so long as the communications were clearly visible on all four sides and were to specification.

3.) Further, Interpretation 09-0109 stated a "placard does not have to be located at the outer perimeter of a vehicle".

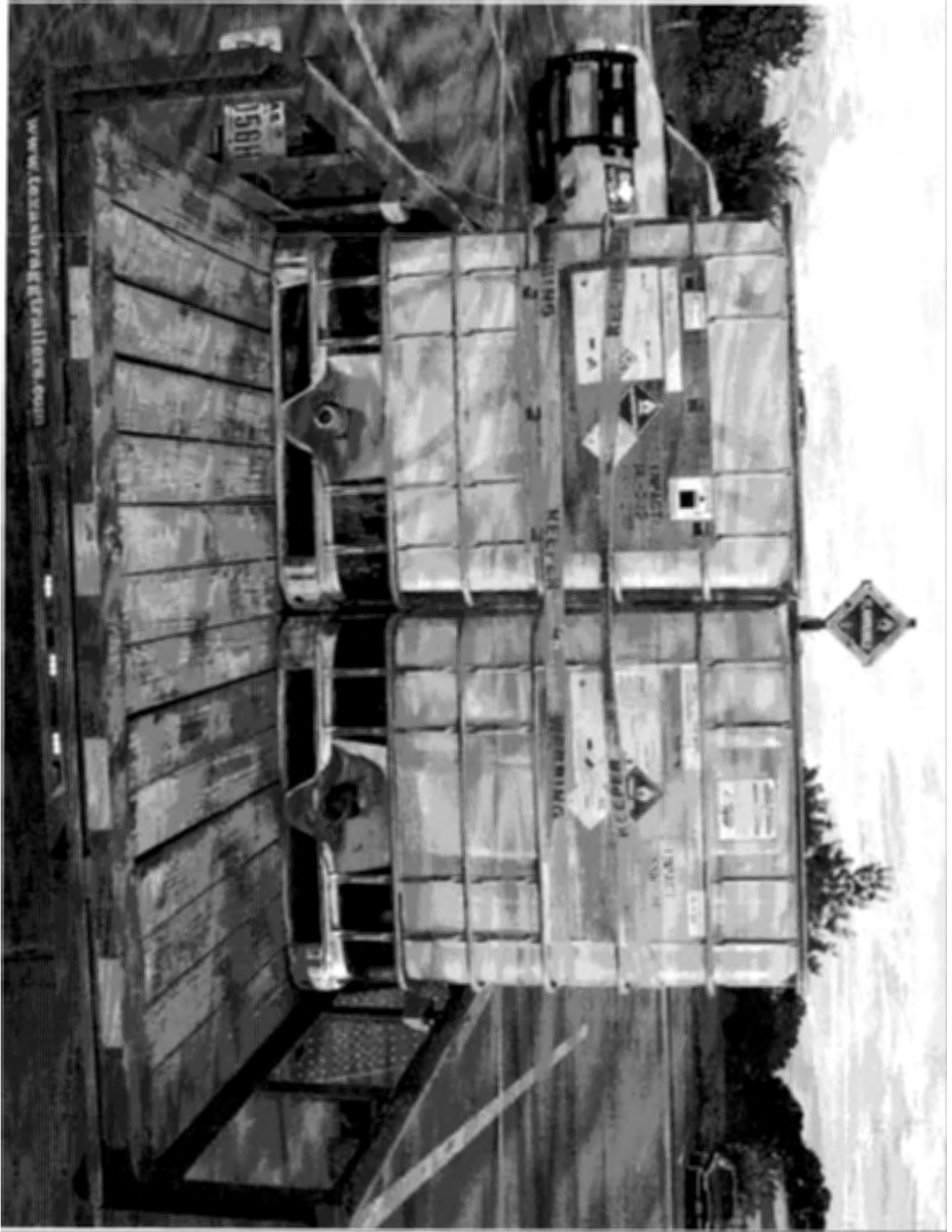
I do not contend that these interpretations are conflicting, just not exacting enough to be applied consistently by roadside enforcement personnel. It concerns me as an investigator when asked by a company to divine and articulate an exact distance between zero (the distance non-existing between the front and rear sides of a two-sided placard on a vehicle) and four-feet (the approximate length of a load pallet) as the standard by which 172.504(a) is complied.

Perhaps I will find the difference in the interpretations, and the distance between zero and four feet, is the object to which a placard is applied, a transport vehicle versus the load itself.

Thank you for your consideration in these matters.

Respectfully,

Wm Scott Burson  
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