



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

SEP 08 2015

Officer Daniel Voelker
Arizona Department of Public Safety
Hazardous Materials Response Unit
2102 W. Encanto Blvd, Mail Drop 4011
Phoenix, AZ 85009

Ref. No. 15-0024

Dear Officer Voelker:

This responds to your February 2, 2015 email requesting clarification of placarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request further clarification on the use of the DANGEROUS placard as described in interpretation letter Ref. No. 14-0031.

Letter Ref. No. 14-0031 addresses a scenario in which a transport vehicle containing non-bulk quantities of Class 3 flammable liquid and combustible liquid displays a DANGEROUS placard instead of the separate placards specified for each of the materials. PHMSA's stated position in the letter is that this is acceptable; and furthermore, a COMBUSTIBLE placard is not required for combustible liquids in non-bulk packaging (§ 172.500(b)(6)). Additionally, a placard may be displayed for a hazardous material, even when not required, provided the placarding is carried out in conformance with Part 172, Subpart F.

You request reconsideration of our position in letter Ref. No. 14-0031 and believe use of the DANGEROUS placard is not authorized because there is only one category of hazardous material in Table 2 of § 172.504 requiring placards. Therefore, it is not permissive placarding under § 172.502(c) because it does not otherwise conform to the placarding requirements of the Subpart; specifically § 172.504(b).

Your understanding is not correct. The response in letter Ref. No. 14-0031 is consistent with the HMR requirements in Part 172, Subpart F. The general placarding requirements in § 172.504(a) require each bulk packaging, freight container, unit load device, transport vehicle or railcar containing any quantity of hazardous material to be placarded with the placards specified in Tables 1 and 2 of that section. Table 2 includes a placard for both flammable and combustible liquids. While § 172.500(b)(6) provides an exception from placarding for combustible liquids in non-bulk packaging, a placard may be displayed for a hazardous material, even when not required in accordance with permissive placarding described in § 172.502(c). Similarly, a DANGEROUS placard may be displayed for two or

more categories of hazardous materials that have different placards specified, even when neither is required to be placarded.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is written in a cursive style with a large initial "D".

Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Boelhe
§ 172.504(b)
Placarding
15-0024

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Monday, February 02, 2015 11:16 AM
To: Hazmat Interps
Subject: FW: Request for Interpretation

Shante/Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

From: Daniel L Voelker [<mailto:DVOELKER@AZDPS.GOV>]
Sent: Saturday, January 31, 2015 7:02 PM
To: INFOCNTR (PHMSA)
Subject: Request for Interpretation

To: PHEMSA's Office of the Chief Counsel
From: Officer Daniel Voelker
Arizona Department of Public Safety
2102 W Encanto BLVD Mail Drop 4011
Phoenix, AZ 85009
Subject: Request for Review of Interpretation 14-0031

In interpretation #14-0031 you stated:

"In accordance with § 172.504(b), a freight container, unit load device, transport vehicle, or rail car which contains non-bulk packages with two or more categories of hazardous materials that require different placards specified in table 2 of § 172.504(e) may be placarded with a DANGEROUS placard instead of the separate placarding specified for each of the materials. Section 172.500(b)(6) states that "placarding does not apply to combustible liquids in non-bulk packaging." However, § 172.502(c) states "placards may be displayed for a hazardous material, even when not required, if the placarding otherwise conforms to the requirements of this subpart." It is your understanding that displaying a DANGEROUS placard on a transport vehicle containing Table 2 Class 3 flammable liquid and Table 2 combustible liquid (both in non-bulk packages) is permissible under the HMR.

Your understanding is correct. A COMBUSTIBLE placard is not required for combustible liquids in non-bulk packaging (§ 172.500 (b)(6)). However, a placard may be displayed for a hazardous material, even when not required, provided the placarding is carried out in conformance with Part 172, Subpart F. '

We believe that the use of the Dangerous placard is only valid when "TWO or MORE categories of hazardous materials that REQUIRE different placards specified in table 2". Looking at the regulations you are not allowed to display the dangerous placard because there is only one categorie that requires placards, therefore, it does

not conform to 172.502c because it does not conform to the requirements of 172.504b. We would like you to reconsider the answer provided in #14-0031 because the subject did not have two or more categories requiring placards.

Thank you for taking your time to reconsider this issue.

Officer Daniel Voelker
Arizona Department of Public Safety
Hazardous Materials Response Unit
(928) 203-6772