



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

AUG 03 2015

Mr. Omar Contreras  
Safety/Hazmat Manager  
Seaboard Marine, Ltd.  
1630 Port Blvd.  
Miami, Florida 33132

Ref No.: 15-0052

Dear Mr. Contreras:

This is a response to your March 16, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the placarding of freight containers and aircraft unit load devices having a capacity of 640 cubic feet or more. In your email, you state that you are an ocean transportation company that provides a service to your customers whereby you pick up your customers' containerized cargo by highway and transport it to your terminals for loading onto your vessels. Furthermore, you state that on occasion, your customer refuses to place the placards on the container they have finished loading with hazardous cargo. You ask who is responsible to physically place the placards on the container. Your questions are answered as follows:

- Q1. For a container with a capacity over 640 cubic feet, carrying hazardous materials, transported from an inland location to a marine terminal for vessel transport, is it the responsibility of the person loading or otherwise preparing the container to place the placards on the container since that person must comply with §§ 172.512(a) and 176.27(c)(1)(i), the latter which must be stated on the signed container packing certificate that they must provide the vessel operator?
- A1. As provided in § 172.512(a), each person who offers for transportation, and each person who loads and transports, a hazardous material in a freight container or aircraft unit load device having a capacity of 640 cubic feet or more shall affix to the freight container or aircraft unit load device the placards specified for the material in accordance with § 172.504. If a freight container or aircraft unit load device having a capacity of 640 cubic feet or more is loaded and transported by a carrier, it is the responsibility of the carrier to apply the required placards.

In addition to the placards required to be placed on a freight container or aircraft unit load device having a capacity of 640 cubic feet or more by the offeror, the person offering a hazardous material for transportation (i.e., shipper) must provide the motor

carrier with the required placards for the transport vehicle (e.g., motor vehicle) for the material being offered prior to or at the same time the material is offered for transportation, unless the carrier's motor vehicle is already placarded for the material. A motor carrier may not transport a hazardous material in a motor vehicle unless the placards required for the material are affixed to the motor vehicle (see § 172.506).

Prior to the HM-184A final rule published in 1983 [48 FR 53710; Nov. 29, 1983], § 172.512(a) only specified that “each person who offers for transportation a hazardous material in a freight container having a capacity of 640 cubic feet or more shall affix to the freight container the placards specified for the material in accordance with § 172.504.” However, the HM-184A rulemaking revised the language in § 172.512(a) to how it reads today, in order to “clarify the fact that if a freight container or aircraft unit load device is loaded by a carrier, it is the responsibility of the carrier to apply the required placards” [48 FR 35471; 35472].

Q2. For a container with a capacity over 640 cubic feet, carrying hazardous materials, transported from an inland location to another inland location, is it the responsibility of the person loading or otherwise preparing the container, to place the placards on the container since that person must comply with § 172.512(a), or is it the responsibility of the carrier to place the placards if they are offered by the shipper/person loading or otherwise preparing the container as per § 172.506?

A2. Please see A1.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,



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

Nickels  
§172.506 Placarding  
15-0052

**Dodd, Alice (PHMSA)**

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**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Monday, March 16, 2015 3:51 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Interpretation

Shante/Alice,

Please submit this for a formal letter of interpretation. I spoke with Mr. Contreras.

Thanks,

Mike

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**From:** Contreras, Omar [[mailto:Omar\\_Contreras@seaboardmarine.com](mailto:Omar_Contreras@seaboardmarine.com)]  
**Sent:** Monday, March 16, 2015 12:43 PM  
**To:** PHMSA HM InfoCenter  
**Subject:** Request for Interpretation

To Whom it May Concern:

I am looking on clarification on regulations involving carrier and shipper responsibilities regarding application of placards on containers prepared for ocean transport.

We are an ocean transportation company who as part of our services provide our customers with ground transportation of their containerized cargo to our terminals for loading on our vessels. Occasionally a customer may refuse to place the placards on the container they have finished loading with hazardous cargo and I would like clarification on who's responsibility it is to physically place the placards on the container.

It is clear that each person offering a motor carrier a hazardous material for transportation must provide the motor carrier with the required placards for the material being offered and no motor carrier may transport a hazardous material in a motor vehicle unless the placards required for the hazardous material are affixed (172.506).

Q1: For a container with a capacity over 640 cubic feet, carrying hazardous materials, transported from an inland location to a marine terminal for vessel transport, is it the responsibility of the person loading or otherwise preparing the container, to place the placards on the container since they must adhere to 172.512(a) and 176.27(c)(1)(i), the latter which must be stated on the signed container packing certificate that they must provide the vessel operator?

Q2: For a container with a capacity over 640 cubic feet, carrying hazardous materials, transported from an inland location to another inland location, is it the responsibility of the person loading or otherwise preparing the container, to place the placards on the container since they must adhere to 172.512(a), or is it the responsibility of the carrier to place the placards if they are offered by the shipper/person loading or otherwise preparing the container as per 172.506?

Your clarification in this matter is much appreciated.

Sincerely,

*Omar Contreras*

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