



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

APR 09 2012

Mr. Larry Dannemiller
President
Dannemiller Associates, Inc.
7792 Olentangy River Road—Suite #2
Columbus, Ohio 43235

Ref. No. 11-0310

Dear Mr. Dannemiller:

This responds to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the responsibility for the removal of placards on a transport vehicle at a consignee's facility once the hazardous materials are unloaded from the transport vehicle and accepted in full by the consignee. You ask whether the consignee or the vehicle operator is responsible for removal of placards no longer representative of hazardous materials onboard a transport vehicle before it may depart a consignee's facility. Additionally, you ask whether the HMR would allow a motor carrier to require in its tariff, that a consignee or its agent be solely responsible for the removal of placards no longer applicable to what is onboard the transport vehicle.

As specified in §§ 171.2(k) and 172.502(a)(1), no person may display a hazardous material placard unless the package or vehicle is transporting a hazardous material. Sections 172.500(a) and 172.506(a) provide that the offeror and the vehicle operator are ultimately responsible for complying with placarding requirements, which includes the removal of placards representing hazards no longer present on the transport vehicle. Additionally, a motor carrier may not impose a conflicting requirement, through tariffs or otherwise, on a consignee when the consignee has not offered a hazardous material to the motor carrier representative of the placards that remain displayed on a transport vehicle.

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

Sincerely,

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

Stevens

§ 171.1

§ 173.22

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, December 21, 2011 3:18 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: REQUEST FOR INTERPRETATION

Shipper's Responsibility
11-0310

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: Larry Dannemiller [<mailto:larry@dannemiller.us>]
Sent: Wednesday, December 21, 2011 2:04 PM
To: INFOCNTR (PHMSA)
Subject: REQUEST FOR INTERPRETATION

Hazardous Material Information Center

Mr. Charles E. Betts
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE
Washington, D.C. 20590

We are requesting a written interpretation from PHMSA concerning who is responsible for removing placards from a freight container after the delivery of a placardable amount of hazardous materials to the consignee, and unloading is completed.

The situation involves the movement of a container containing hazardous materials from Japan into a U.S port where it is picked up by a designated carrier and moved to the consignee's facility where it is "live" unloaded while the driver is present. The freight container remains attached to the truck. The consignee does not re-load the container. When the truck leaves the consignee's facility it is empty.

Question 1: Before leaving the consignee's premises and driving on a public road, is the truck driver who transported the container to the consignee's facility responsible for the

removal of any and all placards that were formerly used to signify the presence of hazardous materials inside the container on the inbound trip?

Question 2: If the involved carrier had a provision in their Tariff that provided: .."consignees and/or their agents shall be solely liable for redelivery of containers to carrier with placards removed", if conflicting, would this provision take precedence over the application of the Hazardous Material regulations under part 171.

Your advice on these matters would be appreciated

Larry Dannemiller, President

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