



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

APR 23 2012

Mr. J. Chip Brackett
Freehold Cartage, Inc.
P.O. Box 5010
Freehold, NJ 07728

Reference No. 12-0033

Dear Mr. Brackett:

This is in response to your electronic transmission requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR, 171-180) applicable to placarding. Specifically, you request that the polychlorinated biphenyl (PCB) mark as required by 40 CFR be authorized to be displayed on a white square-on-point placard. In your letter, you state that authorizing the PCB mark on a white square-on-point placard would allow transporters to display the mark in a uniform manner and would also benefit emergency response personnel by enabling a quick identification of the material.

To request revisions to the HMR requirements, you must submit your request for a rulemaking change in accordance with §§ 106.95 106.100 and 106.105. Once submitted, your request will be evaluated for merit to address in an upcoming rulemaking.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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

Request for Formal Interpretation

Office of Hazardous Materials Standards, Pipeline and

Hazardous Materials Safety Administration,

Attn: PHH-10,

U.S. Department of Transportation,

East Building, 1200 New Jersey Avenue, SE.,

Washington, DC 20590-0001.

McIntyre
§ 172.502
§ 172.101.
Placarding
12-0033

01/09/12

Please accept this letter as a formal request for interpretation of 49 CFR 172.502 permissive placarding.

The PCB mark (POLYCHLORINATED BIPHENYLS) which is required to be displayed on all containers transporting certain levels of PCBs by 40 CFR 761.40b, requires the Mark to be placed on each side and each end of each unit transporting these materials. This is the same as Hazardous Materials class 1-9 and the wording permitted in 172.502. These materials are shown in the hazardous materials table 172.101 as Class 9, UN 2315, and Appendix A with a 1 lb. RQ and in Appendix B.

All Hazardous Waste Transporters must display the mark when transporting PCBs, this request to allow the mark to be displayed on a white square on point placard would allow all transporters to be able to display the mark in a uniform manner. This would also be a benefit to Emergency Responders as it would allow them to quickly identify a transport vehicle that had these hazardous materials on board.

J. Chip Brackett 508-942-3233

Freehold Cartage, Inc.

P.O. Box 5010

Freehold, NJ 07728

chipbrackett@msn.com

PCB Marks- 40 CFR 761.40b

(b) As of October 1, 1978, each transport vehicle loaded with PCB Containers that contain more than 45 kg (99.4 lbs.) of liquid PCBs at concentrations of ≥ 50 ppm or with one or more PCB Transformers shall be marked on each end and each side with the ML mark as described in §761.45(a).

e-CFR Data is current as of September 15, 2011

Title 40: Protection of Environment

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

Subpart C—Marking of PCBs and PCB Items

§ 761.45 Marking formats.

The following formats shall be used for marking:

(a) Large PCB Mark—M L. Mark, ML shall be as shown in Figure 1, letters and striping on a white or yellow background and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the PCB Article, PCB Equipment, or PCB Container. The size of the mark shall be at least 15.25 cm (6 inches) on each side. If the PCB Article or PCB Equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 5 cm (2 inches) on each side.

(b) Small PCB Mark—M s. Mark Ms shall be as shown in Figure 2, letters and striping on a white or yellow background, and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the PCB Article, PCB Equipment, or PCB Container. The mark shall be a rectangle 2.5 by 5 cm (1 inch by 2 inches). If the PCB Article or PCB Equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 1 by 2 cm (.4 by .8 inches).

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982]

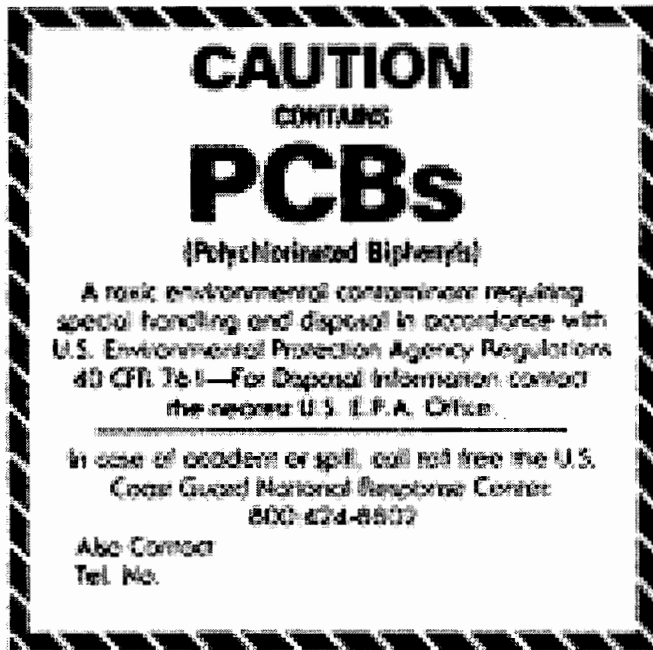


Figure 1

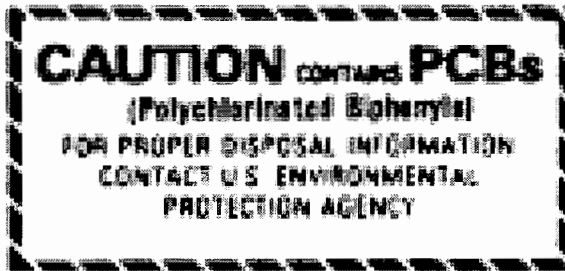


Figure 2