



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

NOV 29 2007

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

Mr. Ray L. Faucheux, Jr.
Security Manager
Q. A. Safety
5240 Coffee Drive
New Orleans. LA 70115

Ref. No.: 07-0201

Dear Mr. Faucheux:

This responds to your letter dated October 15, 2007, regarding the term "obliterated" as it applies to placard displays on freight containers and transport vehicles under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You enclosed photographs of partial and painted over placard displays for our review.

According to your letter, your company's coffee processing plant receives 20-foot shipping containers from all over the world. At times containers arrive at your company's drop lots with placards, partial placards, painted over placards, and sometimes just the placard backing. Your questions are paraphrased and answered as follows:

Q1. Is it true that placards must be removed from a freight container and transport vehicle when it does not contain a hazardous material or after the containers have been cleaned?

A1. Your understanding is correct. Generally, no person may, by marking or otherwise (e.g., placarding), represent that a hazardous material is present in a package, container, motor vehicle, rail car, aircraft or vessel if the hazardous material is not present (§ 171.2(k)).

Specifically, no person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car a hazard warning placard unless the material being offered or transported is a hazardous material, the placard represents the hazard of the material, and the placard conforms to the requirements of the HMR (§ 172.502(a)(1)).

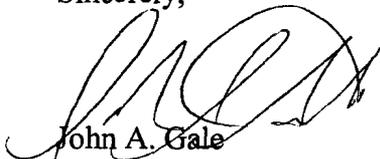
Placards on an empty packaging sufficiently cleaned of residue and purged of vapors to remove any potential hazard must be removed, obliterated, or securely covered in transportation (§§ 173.29(b)(1) and (2) and 172.514(b)(1)).

- Q2. As the term "obliterated" is used under the HMR, at what point is a container considered not placarded?
- A2. The term "obliterated", although not specifically defined under the HMR, is intended to mean destroy or eradicate (e.g., by painting over) so as not to represent that the container holds a hazardous material in transportation; at which point, a container is not considered placarded.
- Q3. Is it permissible to paint over a placard, or partially remove it?
- A3. Painting over the placard, if it completely covers it, would be acceptable; however, a partially removed placard display does not conform to the requirements of the HMR and is prohibited under § 172.502(a)(2)).
- Q4. Is it permissible to have the glue or backing of a placard left on a container?
- A4. The glue or backing of a placard left on a container is not a violation of the HMR.

The HMR do not prescribe methods for cleaning the outside of a freight container or a transport vehicle.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials

Engrum
\$172.500
\$172.502
Placarding
07-0207

From: INFOCNTR <PHMSA>
Sent: Monday, October 15, 2007 3:28 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Remnants of Placards in Drop Lot

Attachments: Ray Faucheux.vcf; Placard-01.JPG; Placard-02.JPG; Placard-03.JPG; Placard-04.JPG; Placard-05.JPG; Placard-06.JPG; Placard-07.JPG
Carolyn,

Could you process this as an interp letter? The picture attachments need to be included too if possible, preferably in color so that whoever is writing the response can see what he is getting at. Thanks buddy!

Erin

From: Ray Faucheux [mailto:R.Faucheux@silocaf.com]
Sent: Monday, October 15, 2007 3:05 PM
To: Ray Faucheux; INFOCNTR <PHMSA>
Subject: RE: Remnants of Placards in Drop Lot

Please see attached pictures.

I would like a definition of obliterated.

Thank you,

Ray L. Faucheux Jr.
From: Ray Faucheux
Sent: Monday, October 15, 2007 10:53 AM
To: 'infocntr@dot.gov'
Subject: Remnants of Placards in Drop Lot
Importance: High

DOT Help,

Can you please clarify the regulations concerning placarded containers? We are a coffee processing plant, and receive 20 foot shipping containers from all over the world. At times containers arrive at our drop lots with placards, partial placards, painted over placards, and sometimes just the placard backing. The way I read the regulations, the placards must be removed after the containers have been cleaned. It is also against the regulations for a container to be placarded when it does not contain hazardous materials.

My questions are at what point is a container considered not placarded? Is it ok to have the placard painted over? Is it ok to have partially removed placards? Is it ok to have the glue or backing of a placard left on a container? I would like clarification to ensure that we maintain compliance with all regulations.

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Monday, October 15, 2007 3:28 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Remnants of Placards in Drop Lot
Attachments: Ray Fauchaux.vcf; Placard-01.JPG; Placard-02.JPG; Placard-03.JPG; Placard-04.JPG; Placard-05.JPG; Placard-06.JPG; Placard-07.JPG

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49CFR171.2 (k) No person may, by marking or otherwise, represent that a hazardous material is present in a package, container, motor vehicle, rail car, aircraft, or vessel if the hazardous material is not present.

(l) No person may alter, remove, deface, destroy, or otherwise unlawfully tamper with any marking, label, placard, or description on a document required by Federal hazardous material transportation law or the regulations issued under Federal hazardous material transportation law. No person may alter, deface, destroy, or otherwise unlawfully tamper with a package, container, motor vehicle, rail car, aircraft, or vessel used for the transportation of hazardous materials.

49CFR171.1(g) Penalties for noncompliance. Each person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued under Federal hazardous material transportation law, subchapter A of this chapter, or a special permit or approval issued under subchapter A or C of this chapter is liable for a civil penalty of not more than **\$50,000** and not less than **\$250** for each violation, except the maximum civil penalty is **\$100,000** if the violation results in death, serious illness or severe injury to any person or substantial destruction of property, and a minimum **\$450** civil penalty applies to a violation relating to training. When a violation is a continuing one and involves transporting of hazardous material or causing them to be transported, each day of the violation is a separate offense. Each person who knowingly violates **§171.2(1)** or willfully or recklessly violates a provision of the Federal hazardous material transportation law, an order issued under Federal hazardous material transportation law, subchapter A of this chapter, or a special permit or approval issued under subchapter A or C of this chapter, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, except the maximum amount of imprisonment shall be 10 years in any case in which a violation involves the release of a hazardous material which results in death or bodily injury to any person.

173.9 Transport vehicles or freight containers containing lading which has been

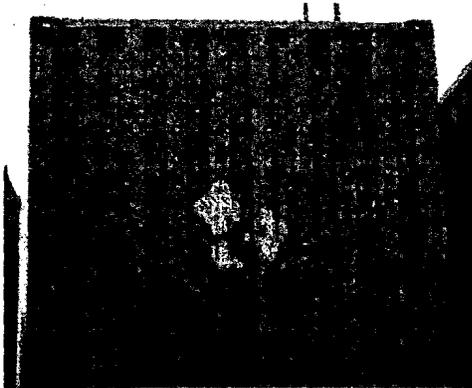
fumigated. (b) No person may offer for transportation or transport a rail car, freight container, truck body, or trailer in which the lading has been fumigated or treated with any material, or is undergoing fumigation, unless the FUMIGANT marking specified in paragraph (e) of this section is prominently displayed so that it can be seen by any person attempting to enter the interior of the transport vehicle or freight container.

(e)(1) The FUMIGANT marking must consist of red or black letters on a white background that is at least 30 cm (11.8 inches) wide and at least 25 cm (9.8 inches) high.

(e)(2) The "*" shall be replaced with the technical name of the fumigant.

(g) For international shipments, transport documents should indicate the date of fumigation, type and amount of fumigant used, and instructions for disposal of any residual fumigant, including fumigation devices.

(h) Any person subject to the requirements of this section, solely due to the fumigated lading, must be informed of the requirements of this section and the safety precautions necessary to protect themselves and others in the event of an incident or accident involving the fumigated lading.



- The Hazardous Materials Regulations (HMR) require most vehicles hauling hazardous materials to be placarded – and stipulate the removal of placards from any vehicle not carrying hazardous materials.
- 49CFR172.502(a) *Prohibited placarding* No person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car–
 - (a)(1) Any placard described in this subpart unless
 - (a)(1)(i) The material being offered or transported is a hazardous material .
- 49CFR172.514 *Bulk packagings*
- (b) Each bulk packaging that is required to be placarded when it contains a hazardous material, must remain placarded when it is emptied, unless it–
 - (b)(1) Is sufficiently cleaned of residue and purged of vapors to remove any potential hazard

- Containers containing placards, or remnants of placards will be rejected. (Glue or outline will be accepted)
- Security will notify appropriate personnel when placarded container are rejected, and when container is accepted after placard or remnants have been removed.
- The container will be placed on **HOLD** until a Certificate of Cleanliness is received for that container.
- Container can **ONLY** be intaken after receipt of Certificate of Cleanliness.