



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

DEC 22 2008

Trooper C. R. King
North Carolina State Highway Patrol
155 Patrol Station Road
Mount Airy, NC 27030

Ref. No. 08-0285

Dear Trooper King:

This responds to your letter dated November 12, 2008 letter requesting clarification on the use of the DANGEROUS placard under § 172.504(b) of the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the DANGEROUS placard is required in your situation.

According to your letter, you performed a roadside inspection of a hazardous material shipment containing 3,000 pounds of Class 8 (corrosive) material, 4,500 pounds of Class 3 (flammable liquid), and 2,841 pounds of Division 4.1 (flammable solid). The vehicle displayed the corrosive placard, the flammable liquid placard and the DANGEROUS placard. The driver stated the Division 4.1 material was loaded at multiple facilities and at no time did a load from a single facility exceed 1,000 kg (2,205 pounds).

A transport vehicle containing two or more categories of materials in non-bulk packages that require different placards specified by table 2 of § 172.504(e) may be placarded with the DANGEROUS placard instead of the separate placards specified for each of the hazardous materials. However, when 1,000 kg (2,205 pounds) aggregate gross weight or more of one category of material is loaded at one loading facility, the placard specified in table 2 for that category must be applied.

Although the aggregate gross weight of Division 4.1 material exceeded 2,205 pounds, this threshold was never exceeded at any single loading facility. Therefore, the DANGEROUS placard may be used in this case.

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

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Michael F. Easley
Governor
Bryan E. Beatty
Secretary
Walter J. Wilson, Jr.
Colonel



North Carolina
Department of Crime Control and Public Safety
State Highway Patrol

Leary
§172.504
Placarding
08-0285

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To whom it may concern,

I need an interpretation of cite 172.540 of the HMR's. In my opinion there seems to be some confusion on the application of the DANGEROUS placard. I recently performed a roadside inspection of a hazardous material shipment. The shipment was as follows: 3,000 pounds of class 8 (corrosive) material, 4,500 pounds of class 3 (flammable Liquid) material and 2,841 pounds of class 4.1 (flammable solid) materials. None of the materials listed were PIH. The placards displayed were corrosive, flammable liquid and DANGEROUS. I advised the driver that the DANGEROUS placard was not correct because he had crossed the 2,205 pound threshold of the DANGEROUS placard and that the 4.1 (flammable solid) placards must be applied. The driver said that he was correct because 172.504 states: "when 2,205 pounds aggregate gross weight or more of one category of material is loaded therein at *one loading facility* (Italics added) on a freight container, unit load device, transport vehicle, or rail car, the placard specified in table 2 of paragraph (e) of this section for that category must be applied." The driver stated that he did not load the 4.1 materials at one loading facility as the cite specifically states, but at multiple loading facilities. He also stated that at no time at each of these facilities did the weight exceed the 2,205 pound limit; hence the DANGEROUS placard was correct. I contend that since the total weight of the 4.1 material exceeded 2,205 pounds after the multiple stops that the 4.1 (flammable solid) placards must be applied. I would like clarification of this cite because as it is written, there is room for confusion. Thank you for your time in this matter.

Trooper C. R. King
North Carolina State Highway Patrol
155 Patrol Station Road
Mount Airy, NC 27030
336-320-2705



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On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.