



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAY 5 2009

Mr. Jeff Buckner
Vice President, Finance
Crown Technology, Inc.
7513 E. 96th Street
Indianapolis, IN 46256

Ref. No. 09-0077

Dear Mr. Buckner:

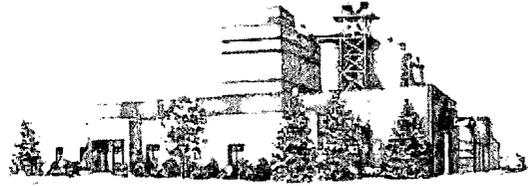
This responds to your April 6, 2009 request for clarification of the placarding requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the commercial drivers license (CDL) requirements under 49 CFR 383.93. Specifically, you ask if the § 172.504(f)(9) placarding exception for Class 9 materials also exempts your drivers from the hazardous materials endorsement requirement of 49 CFR 383.93 of the Federal Motor Carrier Safety Regulations (FMCSRs).

The answer is yes. In accordance with § 172.504(f)(9), placarding is not required for Class 9 materials when shipped domestically. In accordance with the FMCSRs, only drivers of vehicles transporting hazardous materials that are required to be placarded in accordance with Subpart F of Part 172 of the HMR must have a hazardous materials endorsement to their CDL. Thus, a hazardous materials endorsement is not required for a driver transporting Class 9 materials.

I hope this answers your inquiry.

Sincerely,

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



July 14, 2008

Shelley Negrete
Hazardous Materials Program Manager
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

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§172.101
§172.504.
Placarding
09-0077

Dear Ms. Negrete:

We respectfully request an interpretation clarifying the following scenario that is critical to the shipment of product produced by one of our divisions.

Crown Technology manufactures and ships ferrous sulfate heptahydrate:

Proper Shipping Name: Environmentally hazardous substances, solid, n.o.s., 9, III, UN3077
(ferrous sulfate)
Reportable Quantity: 1000#
Bulk Packaging: 2000# bulk bags
Markings: 172.302(a)(2) "on two opposing sides"
Mode of Transportation: Transport Vehicles are semi-trucks with 48' & 53' trailers

PLACARD EXEMPTION:

49 CFR §172.504(f)(9) of the HMR states, "For domestic transportation, a class 9 placard is NOT required. A bulk packaging containing a Class 9 material must be marked with the appropriate identification number displayed on a Class 9 placard, an orange panel or a white-square-on-point display configuration required by subpart D..." of part 172 of the HMR. This exemption applies to ferrous sulfate as ferrous sulfate is a Class 9 material and it is being shipped domestically. The bulk bags are marked on two opposing sides appropriately.

NO HAZMAT ENDORSEMENT REQUIRED

Because there is not a requirement for placarding Class 9 material in domestic transportation, drivers transporting this material do not have to obtain or possess a hazardous material endorsement. Additionally, §383.93 (Endorsements) in conjunction with §383.5 (Definition of Hazardous Materials) clearly reiterates that the endorsement is required only if the hazardous material "is required to be placarded under subpart F of 49 CFR part 172...."

IDENTIFICATION NUMBER REQUIREMENT

49 CFR §172.331(c) states "For a bulk packaging contained in or on a transport vehicle or freight container, if the identification number marking on the bulk packaging (e.g., an IBC) required by 172.302(a) is not visible, the transport vehicle or freight container must be marked as required by §172.332 on each side and each end with the identification number specified for the material in the §172.101. Of the three options available to meet the requirements of §172.332 Identification Number Markings, §172.332(a)(c) "placarding" is permissible and is the lowest cost option for our company.

Locating non-hazmat endorsed drivers is a key component to maintaining lower costs with regard to shipping ferrous sulfate. Hired drivers are questioning whether or not they require a hazmat endorsement when:

- They are transporting a product that states "Environmentally hazardous substance....." on the shipping papers and
- The bulk packaging is marked and
- The drivers are then given placards to put on their vehicles for a load that is exempt from placarding

Could you please verify in a written response that the above scenario is permissible under the current regulations, i.e., that drivers transporting ferrous sulfate in 2000# bulkbags appropriately marked and for domestic transportation only, are allowed to place placards on their vehicles and still not be required to have a hazmat endorsement?

Thank you in advance for your assistance. I look forward to your prompt response.

Sincerely,

Jeff Buckner
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