



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

JAN 9 2007

400 Seventh Street, S.W.
Washington, D.C. 20590

Captain Bruce Bugg
Georgia Department of Public Safety
Motor Carrier Compliance Division
P.O. Box 1456
Atlanta, GA 30371-1456

Ref. No.: 06-0271

Dear Captain Bugg:

This is in response to your letter dated November 20, 2006, regarding the placarding and labeling requirements for intermediate bulk containers (IBCs) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on subsidiary placarding and labeling. Your questions are summarized and answered below.

Q1. If an IBC, portable tank of less than 1000 gallons, DOT 106 or 110 multi-unit tank car tank, or other bulk package, containing a hazardous material, do not bear any labels or placards, which is the correct regulatory violation?

A1. In accordance with § 172.514, each person who offers for transportation a bulk packaging which contains a hazardous material shall affix the placards specified for the material in §§ 172.504 and 172.505. A bulk packaging placarding exception authorized in § 172.514(c) allows an IBC to be placarded on two opposing sides or, alternatively, labeled in accordance with Part 172, Subpart E of the HMR. A bulk package that is not placarded or, when authorized, labeled is in violation of Part 172, subpart F.

Q2. If such a bulk package is carrying a hazardous material with a subsidiary hazard, but is not subject to § 172.505, are subsidiary labels required?

A2. If labeled under Subpart E of Part 172, each package containing a hazardous material must be labeled with primary and subsidiary hazard labels as specified in Column 6 of the § 172.101 Hazardous Materials Table (HMT) unless excepted in § 172.402(a)(2). However, if placarded under Subpart F of Part 172, each package containing hazardous material must be placarded with the primary hazard placard and the subsidiary hazard placard when required by § 172.505.

Q3. If an IBC is placarded on 2 opposing sides, is on an open, non-sided, truck or trailer, and the placards are visible, are placards also required on the transport vehicle?

A3. Each transport vehicle subject to the placarding requirements of Part 172, Subpart F, must be placarded on each side and each end. This requirement may be met by placards displayed on freight containers or portable tanks loaded on a flat-bed motor vehicle (§ 172.516(a)). IBCs are not included in this provision. Under § 172.514, an IBC need only be placarded on two opposite



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172.101
172.504

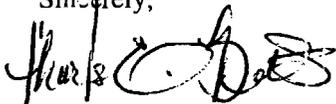
sides or alternatively may be labeled in accordance with Part 172, Subpart E. Therefore, a properly placarded or labeled IBC may not be used to satisfy vehicle placarding requirements. In addition, IBCs may be substantially smaller than portable tanks and freight containers, which may effect the visibility of a placard when the IBC is placed on a flat-bed vehicle. However, if a shipper chooses to placard an IBC on each side and each end and the IBC is large enough that each placard on the IBC is readily visible from the direction it faces when the IBC is placed on a flat-bed vehicle, then the vehicle itself need not be placarded.

Q4. The HMT specifies that Hydrogen fluoride, anhydrous, UN1052, PG I, is classified as a corrosive with a toxic subsidiary hazard. The special provisions provide that the material is poisonous by inhalation in Hazard Zone C. Does this material meet the requirements for description under § 172.203(m)? If not, is the material therefore subject to § 172.505?

A4. In spite of the hazard class to which a material is assigned, for materials that are poisonous by inhalation (see §§ 173.132 and 173.133), the words "Poison-Inhalation Hazard" or "Toxic-Inhalation Hazard" and the words "Zone A", "Zone B", "Zone C", or "Zone D" for gases, or "Zone A" or "Zone B" for liquids, as appropriate, shall be entered on the shipping paper immediately following the shipping description. In this case, if the material in question is a liquid and "Zone C", then it is not subject to § 172.203(m); and therefore not subject to § 172.505.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



Charles E. Betts
Senior Transportation Specialist
Office of Hazardous Materials Standards

BAH
§ 172.101
§ 172.504

INFOCNTR <PHMSA>

From: O.Bruce Bugg [obbugg@gsp.net]
Sent: Monday, November 20, 2006 10:47 AM
To: INFOCNTR <PHMSA>
Subject: Request for Clarification

Applicability
06-0271

This e-mail requests a written clarification on the following issues:

§172.400(a)(2), (a)(3), (a)(4), and state that certain bulk packagings must be labeled, "unless placarded in accordance with.." regulations which appear in Subpart F of part 172. Similarly, §172.514(c) reflects these alternatives.

(1) If an IBC, Portable tank of less than 1,000 gallons, DOT 106 or 110 tank car tank, or other bulk package, containing a hazardous material, do not bear any labels or placards, which is the correct regulatory violation? The language of §172.400 appears to be the regulatory standard and §172.514 appears to be the option, but we need clarity on how to list these violations.

(2) If such a bulk package is carrying a hazardous material with a subsidiary hazard, but NOT subject to §172.505, are subsidiary labels required? This could be further broken down into the following scenarios:
(a) The material is in a bulk package, and is labeled for the primary hazard. Are subsidiary labels required?
(b) The material is in a bulk package, and is placarded for the primary hazard. Are subsidiary labels required, or are subsidiary placards required?

(3) If an IBC is placarded on 2 opposing sides, is on an open, non-sided, truck or trailer, and the placards are visible, are placards also required on the transport vehicle?

On a separate issue, §172.101 Table specifies that Hydrogen fluoride, anhydrous, UN 1052, PG I, is classified as a corrosive liquid, with a toxic subsidiary hazard. The special provisions provide that the material is in Hazard Zone C. Does this material meet the requirements for description under §172.203(m), because it is a liquid? If not, is the material therefore subject to §172.505?

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