



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

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

APR 06 2010

Mr. Allen Grubb
Operations Manager
Southern Resin, Inc.
3440 Denton Road
Thomasville, NC 27360

Ref. No. 09-0109

Dear Mr. Grubb:

This responds to your letter requesting clarification of the display and visibility requirements applicable to placards under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You describe two different scenarios and ask whether one or both may be used to satisfy the placarding requirements of the HMR. Both scenarios involve a bulk cargo tank motor vehicle (CTMV) used for the transportation of a non-hazardous material and a cargo-carrying "box" attached under the frame of the semi-trailer used for the transportation of a regulated corrosive liquid (UN1760) in 55-gallon drums exceeding 1,001 lbs. Your questions are paraphrased and answered as follows:

Q1: To satisfy the rear placard requirement, is it permissible to place one placard on the rear bumper with a statement above it that says "This placard for drum box only" or may we attach the placard to a rear fender as shown in the attached photographs? Placards would be placed directly on the drum boxes (both sides) to satisfy the side placard requirement. Lastly, we would place placards either on the front bumper of the tractor or on the front of the drum box (see attached photograph) to satisfy the front placard display requirement.

A1: The rear placard appears to be more suitably displayed on the rear fender of the trailer, as shown in the photographs, rather than placing it on or below the rear bumper. Under § 172.516(c)(3), a placard must be located so that dirt or water is not directed to it from the wheels of the transport vehicle. The side placement as shown in your photograph is acceptable; however, placement of the placards on the sides of the cargo tank would provide the most visibility. Placement of the placard on either the front of the tractor or the front of the cargo tank to satisfy frontal display requirement as prescribed in § 172.516(b) is considered acceptable.

The phrase "visible from the direction it faces" as it is used in § 172.516(a) does not imply the placard must be mounted in any specific position on the cargo tank. However, all placards must be located clear of appurtenances and devices such as ladders or pipes; be located away from any markings that could substantially reduce its effectiveness; maintained

so that its legibility, color, and visibility are not substantially reduced because of damage, deterioration, or obscurement; and otherwise conform to the detailed visibility requirements established in § 172.516. Although a placard does not have to be located at the outer perimeter of a vehicle, the placement on the front of the cargo box as shown in your photographs does not provide sufficient visibility to satisfy the frontal display requirement. Additionally, the applicability statement is not necessary to identify the package the placards are being used to identify.

Q2: Is it permissible to place all four placards in placard holders attached to both sides and both ends of the trailer when they are intended to convey the hazard of the material in the drum box rather than in the trailer?

A2: The answer is yes. Provided the placards represent materials contained on the transport vehicle, they may be located anywhere on the vehicle that satisfies the requirements for display and visibility in § 172.516.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', with a long horizontal flourish extending to the right.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Southern Resin, Inc.

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To: USDOT

From: Allen Grubb
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Stevens
§ 172.516
§ 172.504
Placarding
09-0109

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Dear Sir/Madam,

I have been in contact with Mr. Edward Rastetter, and Mr. Jack Whitley both of the PHMSA out of Atlanta GA about an issue with a special circumstance and was directed to seek a letter of clarification for this.

We haul non-hazardous material in the barrel's of our tankers and we have constructed a box that is mounted under the belly of the tankers to haul 55 gallon UN drums that contain a hazardous material that reacts what is in the tanker to make an insulation. Our situation involves the placards visibility standard CFR 172.516, and the General placarding requirements of CFR 172.504. The drum box is the only thing that has a Hazardous material in it, the tanker itself does not so what we have done is put placards on the sides of the box and placards on the front of the box and the rear of the box. We were pulled in SC by Mr. Rastetter and he was not satisfied with the way the placard was displayed on the rear of the box stating that you could not see it from behind, and not very well from the front as well, he had us put a placard on the front of the tanker and the rear of the tanker until/if I could find an acceptable alternative that satisfied the visibility requirement. I have since moved the placard holder up above the fender so it is visible from behind (see enclosed pictures) but after talking with Mr. Whitley he suggested I contact this office for clarification on whether or not this would be acceptable. Mr. Whitley told me this was a unique situation and he could not give me a letter stating this was the right or wrong way and instructed me to send a letter to this office.

Mr. Whitley suggested for safety reasons that I should placard the front, rear and sides of the tanker of which I have no problem doing except 2 things. One we have been pulled for improper placarding in 2-3 different states because we did placard the front/rear and sides and they wanted to know why the bill of lading did not list what was in the tanker as hazardous since we had placards on it. We were instructed to take the placards off the tanker and put them back on the box. The other reason is we do have 2 trailers that are non-code that we put drums under when we were pulled with them we were told it was a non-code tanker and it was illegal to put a placard on it. Mr. Whitley told me that you would review the situation and send me a letter back and I could put that letter in each truck and then if we were questioned we could show them the letter with your decision. I have 2 other ideas I would like to present

#1 I can put a placard holder on the rear bumper of each tanker with a sticker above it reading "This Placard for drum box only" I think this would satisfy the requirement for visibility from behind (if by the pictures what I have done so far is not acceptable) As for the front I would like to know if I put placard holders on both bottom front right and bottom front left corners will this satisfy the visibility requirement from the front? When a truck is coupled to the trailer you can actually see the front of the drum box sooner and better than you can see the front of the tanker, but I would like for you to look at the pictures and see if that will be sufficient to satisfy the front visibility requirement.

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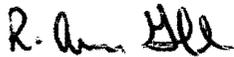
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#2 We could put placards on the front of the tanker, and the rear of the tanker as well as putting placards on the sides of the drum box if this is acceptable.

If you have any other solutions please let me know and I will be more than happy to implement your decision. We have looked at the cost of just sending the drums common carrier and it would kill our bottom line. On the trucking side we have a very small operating budget and sending drums to Minnesota, Texas, Illinois ect... would be extremely costly. We have invested time and money in making sure we have the correct drums, labels, and now if we can get this placarding issue resolved we should be in complete compliance.

If you have need of any further information or any clarification on what I have tried to explain in this letter please call me at 1-800-280-1348. Thank you for your time.

R. Allen Grubb



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