



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

SEP 07 2011

Mr. Keith Jesse Powell
Driver Sales Representative
Con-way Freight
4488 North Cornelia, Apt. 143
Fresno, CA 93722

Reference No. 11-0076

Dear Mr. Powell:

This is in response to your March 31, 2011 e-mail, and April 29, 2011 telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. You ask if a transport vehicle, as this term is defined in § 171.8, loaded with one hazardous material that meets the definition of two different hazard classes may use a DANGEROUS placard to represent its secondary hazard class.

In the example you provided, you state different shippers at different facilities load non-bulk packages of "UN 2922, Corrosive, liquids, toxic, n.o.s. (fluorozirconic acid, hydrofluoric acid), 8 (corrosive), 6.1 (poisonous), PG III" on the same transport vehicle, and the total weight of the shipment is 2,205 pounds. You also state the material does not meet the HMR definition for a liquid material that is poisonous by inhalation (see §§ 173.132 and 173.133). You ask if the transport vehicle can display the Class 8 placard for the primary hazard of the material and a DANGEROUS placard for its Division 6.1 subsidiary hazard.

The answer is no. The transport vehicle in your example must be placarded with the CORROSIVE placard. The subsidiary hazard POISON placard may also be displayed (see § 172.505(d)). The HMR permit the DANGEROUS placard to be used in place of the separate placards specified for each Table 2 material listed in § 172.504(e) unless 1,000 kg (2,205 pounds) or more aggregate gross weight of one category of hazardous material in non-bulk packages is loaded at one loading facility. See § 172.504(b). Also, the HMR do not define the term "mixed load." For the purposes of the HMR, it is the opinion of this Office that a mixed load is a shipment of two or more categories of hazardous materials in separate non-bulk packages that require different placards. The shipment in your example

is not a mixed load because it is a “mixture” of two categories of hazardous materials in the same non-bulk package that require the same placard(s).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
§ 172.505
§ 172.101

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, March 31, 2011 10:05 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Interpretations (Letters) Issued by PHMSA

Placarding
11-0076

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Wednesday, March 30, 2011 8:55 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Interpretations (Letters) Issued by PHMSA

letter of explanation

can you placard for a primary and address the secondary hazard with dangerous? under 172.505 part d the dangerous would correspond to the primary placard being a corrosive toxic un2922 corrosive liquids, toxic, nos. (fluorozirconic acid, hydrofluoric acid). 8(6.1). my argument is dangerous communicates the not regulated subsidiary risk on board.

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