



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

1200 New Jersey Avenue, SE
Washington, DC 20590

SEP 14 2011

Mr. Aaron Carr
Fleet Manager
Reynolds Transport
Orleans, IN 47452

Reference No. 11-0171

Dear Mr. Carr:

This responds to your July 15, 2011 request for clarification of the requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they apply to the transport of a material you classify as a Class 9 (miscellaneous) hazard material based on the material meeting the definition of a hazardous substance (§ 171.8). You seek confirmation that your drivers are not required to have a hazardous materials endorsement to their commercial driver's licenses (CDLs) in order to transport this material.

Your understanding is correct that the transportation of your material is subject to shipping paper and labeling requirements. Regarding placarding, in accordance with § 172.504(f)(9), placarding is not required for transportation of Class 9 material when shipped domestically, however, a bulk packaging must be marked with the appropriate identification number on a Class 9 placard, an orange panel, or a white square-on-point display configuration. You may display the identification number on a Class 9 placard even though a placard is not required. Display of the identification number on a placard does not, however, make your drivers subject to the endorsement requirement under 49 CFR 383.93 of the Federal Motor Carrier Safety Regulations (FMCSR). In accordance with the FMCSR, a driver of a commercial motor vehicle transporting hazardous material subject to placarding under the HMR must obtain a hazardous materials endorsement to his or her CDL. Thus, because a placard is not required for domestic transportation of a Class 9 material under the HMR, a hazardous materials endorsement to the CDL is not required.

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

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division



Reynolds, Inc.

Municipal & Industrial Pipeline Installations • Treatment Plants
• INLINER Trenchless Sewer Rehabilitation • Well Construction

July 15, 2011

Mr. Charles E. Betts
Office of Hazardous Material Standards
U.S.DOT / PHMSA (PHH-10)
1200 New Jersey Ave, SE East Building 2nd Floor
Washington, DC 20590

Der Kinderen
§ 171.1
§ 172.101
§ 172.504
Applicability
11-0177

Dear Mr. Betts:

I would like to respectfully request an interpretation regarding a shipment of a cured in place pipe liner our company transports.

The product we manufacture is a cured in place pipe liner:

Proper Shipping Name: Environmentally hazardous substances (Styrene), solid, n.o.s., Class 9, Packing Group III, UN3077.

Could you please confirm our understanding and application of the FMCSRs and HMRs to the following points?

- Placard with a Class 9, UN3077 bulk placard – because our liners are typically greater than 1000 pounds, per 172.504.
- Our liners are labeled and shipping papers completed per applicable regulations.
- Our drivers are NOT required to have hazmat endorsements as per 393.93 & 393.5.

We were recently cited in Colorado for the driver not having his hazmat endorsement while driving a truck with Class 9, UN3077 placards displayed, and proper shipping papers in the cab. According to our interpretation of the applicable FMCSRs and HMRs we believe our current shipping practices are correct. The recent citation from Colorado disagrees with our interpretation.

Would you please be so kind as to respond to confirm our interpretation and shipping practices are correct?



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Thank you for your assistance.

Regards,

Aaron Carr
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