



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

DEC 17 1999

Captain Ken Carr  
Motor Carrier Compliance Office  
Hazardous Materials Enforcement  
1815 Thomasville Road  
Tallahssee, FL 32303-5750

Ref. No. 99-0291

Dear Capt. Carr:

This is in response to your letter dated October 11, 1999, regarding permissive placarding under § 173.502(c) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter you describe the shipment of combustible liquids under § 173.150(f)(2). Your questions have been paraphrased and answered as follows:

- Q1. May COMBUSTIBLE placards be displayed on a vehicle transporting a combustible liquid in a non-bulk packaging that is not a hazardous substance, a hazardous waste, or a marine pollutant.
- A1. The answer is yes. Section § 172.502(c) permits the display of placards for a hazardous material, even when not required, if the placards represent the hazard of the material being transported.
- Q2. If a carrier chooses to display placards on a vehicle transporting combustible liquids under the exception in § 173.150(f)(2), is there a requirement to comply with other requirements of the HMR?
- A2. The answer is no. Combustible liquids meeting the criteria specified in § 173.150(f)(2) are not subject to the HMR. The HMR include, but are not limited to, shipping paper, marking, labeling, and placarding requirements. A carrier who chooses to display appropriate placards even when not required, is not subject to other provisions of the HMR.



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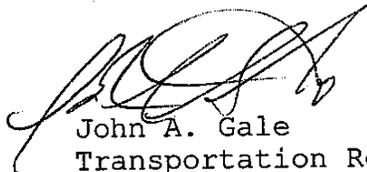
173.150

Q3. If shipping papers are provided for a hazardous material that is excepted from the HMR, does any violation exist if the shipping papers are not executed in conformance with the HMR?

A3. The answer is yes. If the shipper chooses to provide a hazardous materials shipping paper, the shipper must do so in accordance with all the requirements in Part 172, Subpart C.

I hope this satisfies your request.

Sincerely,



John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards



# Florida Department of Transportation

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99-0291

October 11, 1999

U.S. Department of Transportation  
Research and Special Programs Administration  
Office of Hazardous Materials Standards - DHM-10  
400 Seventh St., S.W.  
Washington, DC 20590

Re: Request for interpretation.

The permissive placarding provision at 49 CFR, 172.502(c), states that "placards may displayed for a hazardous material, even when not required, if the placarding otherwise conforms to the requirements of this subpart." This provision requires only placarding to conform to the requirements, and there appears to be no similar provision in the regulations for shipping papers, marking, or labeling.

Additionally, the exception for combustible liquids at 173.150(f)(2), states, in part, that the "requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging ..."

Simultaneous application of these two subsections appears to allow proper placarding of a vehicle transporting combustible liquids which are not hazardous wastes, hazardous substances, or marine pollutants, in non-bulk packaging, without having to conform to any other requirements such as shipping papers, marking and labeling. We request written clarification to the following questions:

1. Are we correct in assuming that placards may be displayed on a vehicle transporting combustible liquids in non-bulk packagings, when they are the appropriate placards for the material and are displayed correctly?
2. If the answer to question 1 is yes, if a carrier chooses to placard a vehicle transporting combustible liquids which are not hazardous wastes, hazardous substances, or marine pollutants, in non-bulk packagings, is there any requirement that they comply with any other hazardous material transportation regulation?
3. If hazardous materials shipping papers are present under circumstances in which they are not required, such as on a vehicle transporting combustible liquids which are not hazardous wastes, hazardous substances, or marine pollutants, in non-bulk packagings, does any violation exist if they are not executed in conformance with the regulations, i.e., basic description out of sequence, no indication of amount, missing elements, etc?

We appreciate your assistance in providing guidance on these issues.

Sincerely,

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wp: nonbulk