



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

OCT 16 2000

Mr. Christopher H. Rossbach
Department of Environmental Protection
Bureau of Emergency Response
8402 Laurel Fair Circle, #110
Tampa, FL 33610-7313

Ref. No. 00-0208

Dear Mr. Rossbach:

This is in response to your letter dated July 20, 2000, regarding the identification number for gasoline, "1203", remaining on a cargo tank hauling diesel fuel, "1993", as permitted by the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your understanding is that the marking exception for display of an identification number on a cargo tank containing different liquid petroleum distillate fuels only applies to the simultaneous shipment of more than one "different" fuel, and does not apply to a subsequent shipment. You believe this practice is confusing and potentially troublesome in an emergency, and questioned whether the exception allows this practice. You also requested that this issue be raised in future rulemaking and this letter be accepted as a petition for rulemaking.

Your understanding is incorrect. The exception provided by § 172.336(c)(5) eliminates the requirement to change the identification number markings on a cargo tank transporting different liquid petroleum distillate fuels if the identification number is displayed for the liquid petroleum distillate fuel having the lowest flashpoint. Therefore, if a cargo tank containing gasoline is marked with the identification number "1203", it may remain so marked on a subsequent trip when the cargo tank contains diesel fuel.

The DOT Emergency Response Guidebook (ERG) is developed in cooperation with Canadian and Mexican officials, industry representatives, and emergency responders. It is distributed by the Department to the emergency response community to assist responders in making initial decisions upon arriving at the scene of a transportation incident involving hazardous materials. First responders are trained in the use of this guidebook to identify the material through the identification number on a placard, orange panel, or on a shipping document or package.

The most important section of the guidebook is where the safety and mitigation recommendations (i.e., guide page) are provided. Each guide is designed to cover a group of materials. The action taken as recommended by guide page "128" is the same for both "gasoline" and "diesel fuel", and for other materials which possess similar chemical and toxicological characteristics. If additional specific



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information about any material in question is needed, first responders may immediately contact the shipper using the emergency response telephone number provided on the shipping document, which is required under subpart G of part 172 of the HMR.

In a rulemaking issued in 1980 [45 FR 34560], a variety of exceptions were addressed for display of identification number markings, including, under certain circumstances, display of the identification number on cargo tanks carrying distillate fuels, such as gasoline and fuel oil. Industry and emergency responders provided input on this exception. Based on this input, RSPA determined that this exception accomplishes the basic intent of identifying the materials adequately for emergency response and, at the same time, certain compliance and economic burdens are relieved and possible confusion avoided. Thus, we do not agree that greater efforts are needlessly made and time lost in trying to reconcile the actual contents with conflicting identification number marking.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

for Thomas G. Allan
Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



Jeb Bush
Governor

Department of Environmental Protection

Division of Law Enforcement
Bureau of Emergency Response
8402 Laurel Fair Circle, #110
Tampa, FL 33610-7313
813/744-6462; fax 813/744-6464

David B. Struhs
Secretary

July 20, 2000

Engrum
§ 172.336
00-0208

Mr. Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards
Research & Special Programs Administration
U.S. Dept. of Transportation
400 Seventh St SW
Washington, D.C. 20590

Re: **ID# Markings on Cargo Tanks; 49 CFR 172.336(c)(5)**

Dear Mr. Billings:

We have received comments from various trucking companies regarding the marking of ID numbers when switching from gasoline (1203) to diesel fuel (1993). The companies haul gasoline one day, then haul solely diesel fuel the next day, but keep the 1203 number for the diesel shipment. We received a copy of a letter that you wrote regarding this matter (copy attached), in which you state that this practice is allowed by the exception in section 172.336(c)(5). We have some comments on this practice.

1. As emergency responders, we find this practice to be confusing, and also potentially troublesome in an emergency. Gasoline is much more flammable and dangerous than diesel fuel, and requires a greater effort in the response. The use of ID# 1203 for a diesel shipment causes responders to react to a greater perceived hazard than what is actually present, as the responder expects (and is trained to believe) that the number indicates gasoline. Greater efforts are needlessly made (e.g., additional personnel and fire equipment), and time is lost trying to reconcile the actual contents with conflicting ID markings. For these reasons, we believe that this practice should not be allowed.
2. In addition, we also question whether the quoted exception actually allows this practice. We read the regulation as indicating that the exception is for a simultaneous shipment of more than one "different" fuel. When "different" fuels are shipped (together), only the ID# for the one with the lowest flash

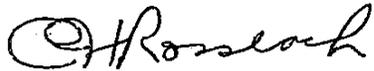
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point is needed. The exception does not make any reference to a *subsequent* shipment. And, to allow 1203 to be used for diesel fuel defeats the purpose of ID numbers.

3. Little benefit is provided by allowing 1203 to be used for diesel fuel. It only takes a few moments to change the ID#, and the markings are not expensive.

We request that DOT re-visit this issue, and institute a regulation change if necessary. We look forward to hearing your thoughts.

Sincerely,



Christopher H. Rossbach
Emergency Response Manager
Law Enforcement District 4

cc: Jeff Tobergte

attachment (copy of DOT letter)