



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

JUL 26 2007

Mr. Matthew J. Leary  
Corporate EHS Manager  
Pilot Chemical Company  
2744 E. Kemper Road  
Cincinnati, OH 45241

Ref. No.: 07-0081

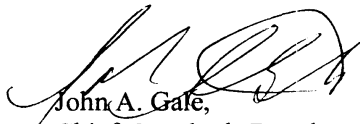
Dear Mr. Leary:

This is in response to your letter dated April 12, 2007, requesting clarification as to who is responsible to ensure placards are affixed to an isotainer offered for transportation by highway to a rail yard under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the offeror or the carrier has the responsibility to affix placards to the isotainer in the scenario you describe.

As provided by § 172.514, each person who offers for transportation a bulk packaging which contains a hazardous material must affix the placards specified for the material in §§ 172.504 and 172.505. In addition to the placards required to be placed on a bulk package by the offeror, each person offering a motor carrier a hazardous material for transportation by highway must provide the motor carrier with the required placards for the material being offered prior to or at the same time the material is offered for transportation, unless the carrier's motor vehicle is already placarded for the material. A motor carrier may not transport a hazardous material in a motor vehicle unless the placards required for the material are affixed to the motor vehicle (see § 172.506).

I hope this information is helpful.

Sincerely,

  
John A. Gale,  
Chief, Standards Development  
Office of Hazardous Materials Standards



070081

172.514  
172.504  
172.505

Leary  
§ 172.506  
§ 172.514  
§ 173.22

Placarding  
07-0081

Jarman, Erin <PHMSA>

**From:** Matt J. Leary [mjleary@pilotchemical.com]  
**Sent:** Thursday, April 12, 2007 10:43 AM  
**To:** INFOCNTR <PHMSA>  
**Subject:** Request for Formal Interpretation

To Whom It May Concern:

I am writing to request a clarification on who is responsible for placarding.

49CFR 172.506 states "Each person offering a motor carrier a hazardous material for transportation by highway shall provide to the motor carrier the required placards for the material being offered prior to or at the same time the material is offered for transportation"... whereas

49CFR 172.514 states "each person who offers for transportation a bulk packaging which contains a hazardous material, shall affix the placards"...

The Situation:

An isotainer on a flat bed truck going by highway to a rail yard.

Based on this situation, which rule takes precedence? Essentially, who is responsible for placarding the isotainer, the motor carrier or the group offering the material for transportation? Thanks in advance, for your response.

Sincerely,

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4/12/2007