



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 17 2007

Mr. Roderick MacLean
Taylor Express, Inc.
P.O. Box 1806
Hope Mills, NC 28348

Ref. No.: 07-0124

Dear Mr. MacLean:

This is in response to your letter dated June 8, 2007 concerning the placarding requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and driver licensing and endorsement requirements. Specifically, you ask (1) if placards are required to be displayed on 2,500 lb. super sacks containing sulfur powder when offered for transportation in commerce; and, (2) if a driver carrying this hazardous material must have a commercial driver's license (CDL) with a hazmat endorsement.

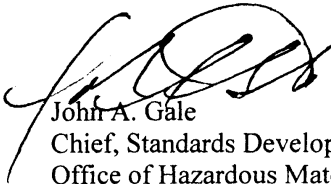
A bulk packaging containing sulfur is not required to be placarded if it is marked with the appropriate identification number as required by Part 172, Subpart D (see § 172.102, special provision 30). In addition, Class 9 placards are not required to be displayed for domestic transportation (see § 172.504(f)(9)).

Requirements for drivers to possess a CDL with a hazmat endorsement are maintained by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR Part 383. Questions regarding FMCSA regulations should be directed to the appropriate FMCSA field office. A list of FMCSA field offices and contact information is available at:

<http://www.fmcsa.dot.gov/about/contact/offices/displayfieldroster.asp>.

I hope this information is helpful.

Sincerely,



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



070124

172.101
172.504(f)(9)
171.1



TAYLOR EXPRESS, INC.

Tailored to Your Transportation Needs
Direct to All Points

MC-198974

Office of Hazardous Materials Standards
Research and Special Programs Administration,
Attn: DHM-10,
U.S. Department of Transportation
400 7th Street S.W.
Washington, DC 20590-0001

8 July 2007

Dear Sir,

I would like to request an interpretation of Title 49 CFR § 172.101 and § 172.102 and the requirement for placarding and the need for a Commercial Driver's License Hazardous Material Endorsement.

I have spoken to a member of your staff at the Hazardous Materials Information Center (1-800-467-4922) and received a verbal answer from him. However we would like to have a written document on hand in case a DOT agent interprets the regulation differently from what I have been advised.

The substance in question is Sulfur, NA1350. Hazard Class 9, PG III and Special Provision 30. This product is offered for transportation in 2500 pound 'Super sacks', which exceed the definition of non-bulk packaging (§ 171.8), 400kg/1000 pounds. The product is in the form of powder, with no specific shape.

In accordance with Special Provision 30 (§172.102) "Sulfur is not subject to the requirements of this subchapter if transported in a non-bulk packaging *or if formed to a specific shape (e.g. prills, granules, pellets, pastilles, or flakes).*

In my conversation with the Hazardous Materials Information Center I was told that (a) if it is in non-bulk packaging or (b) if it was shaped as above then there was no requirement to be placarded nor for a HAZMAT endorsement on the CDL. Although the product is in bulk packaging I was advised that for transportation domestically there was no requirement to placard or have a CDL endorsement. This is the ruling that some other companies are accepting and following. In order to prevent our liability in failing to follow the regulation I am questioning this interpretation.

With the information provided above I would appreciate an interpretation that states whether or not placarding is required and whether a CDL Hazmat endorsement is required for the driver.

Sincerely,

Roderick MacLean
Training and Safety Supervisor

Eichenlaub
§ 172.101
§ 171.1
Applicability
07-0124