



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

OCT 17 2006

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

Mr. Mohamed R. Ali  
Holmes Freigh Lines, Inc.  
70 Ward Road  
Brampton, Ontario  
Canada L6S 4L5

Ref. No.: 06-0218

Dear Mr. Ali:

This is in response to your October 3, 2006 letter regarding the use of the DANGER placard specified in the Canadian Transportation of Dangerous Goods Regulations (TDG) on shipments originating from Canada under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In the scenario described in your letter, a shipment originated in Canada and was loaded with greater than 1,000 kg of a Division 6.1 material and greater than 1,000 kg of a Class 3 material. You ask if the transport vehicle in the above scenario may display the DANGER placard when in transportation in the United States.

When shipped in accordance with the conditions and limitations set forth in § 171.12a of the HMR, a hazardous material that is placarded in accordance with the TDG regulations may be offered for transportation and transported to or through the United States by motor vehicle or rail car. Provided the TDG regulations authorize the use of only the DANGER placard in the scenario described above, you are not required to display the TOXIC and FLAMMABLE placards when in transportation in the United States.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



060218

171.12a

*Pollack*  
*§171.12a*  
*Dangerous Goods*  
*06-0218*

**HOLMES FREIGHT LINES INC.**  
LTL CANADA, U.S.A. & MEXICO

October 3, 2006

Sent by Fax: 202-366-3012

**Office of the Federal Motor Carrier**  
Enforcement Division  
Office of Hazardous Materials Safety  
400 7th St., S.W.  
Washington, DC 20590

**Dear Miss. Joan,**

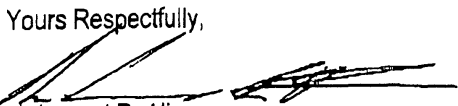
I was a pleasure speaking to this morning. I would like to thank you for your direction on this subject matter.

We are facing two enforcement issues in the state of Ohio with regards to application of the law on Hazardous Materials (Dangerous Goods Regulations). On two separate occasions our drivers were placed out of service for shipments originated from Canada under Canadian Regulations 4.15 which permits a danger placards to be used. [see attached ruling from transport Canada]

On both of these instances we have suffered economic loss due to erroneous enforcement in view of the fact we have reciprocity. In one case our driver tried to show the enforcement officer the regulations but it did not matter. The other case he had to leave the means of transport to find the placards the officer instructed him to put on the means of transport.

Now we are facing prosecution from the state of Ohio for enforcement #OH3202303722 & OH3204301889.

Yours Respectfully,

  
Mohamed R. Ali  
Safety Manager  
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