



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

APR 17 2002

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

Ref. No. 02-0100

Mr. Gerry Blase  
Asplundh Railroad Division  
708 Blair Mill Rd.  
Wilow Grove, PA 19090-1784

Dear Mr. Blase:

This is in response to your request regarding the marking and placarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for an empty tank car. Specifically, you ask for confirmation of your understanding that an empty tank car that no longer contains a reportable quantity (RQ) of a hazardous substance is not required to be marked or placarded. You state that the material, transported as "Environmentally hazardous substances, liquid, n.o.s. (Diuron)," was regulated when the tank car was full solely because it met the RQ of Diuron. You also ask whether any rulemakings were issued that changed this provision and whether the RESIDUE placard requirement still applies under the HMR.

You are correct in your understanding that markings or placards may be removed from an empty tank car that no longer contains an RQ of a hazardous substance, provided the material was regulated only because it met the RQ when the tank car was full. No rulemaking was issued to change this provision. With respect to the RESIDUE placard, the requirement for its use was removed from the HMR in a final rule (Docket HM-216, 61 FR 28666) published on June 5, 1996 and effective October 1, 1996.

I hope this information is helpful. Please contact this office if we can be of further assistance.

Sincerely,

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



020100

173.24

**ASPLUNDH**

ASPLUNDH RAILROAD DIVISION.

708

708 BLAIR MILL ROAD, WILLOW GROVE, PA 19090-1784 - AREA CODE 215 - TELEPHONE 764-4208 FAX 764-1388

McIntyre  
\$173.29  
\$172.504  
Empty &  
Placarding  
02-0000

**Mr. Ben Supko**  
US DOT Haz. Mat. Info. Center  
Office of Hazardous Materials and Standards

Dear Mr. Supko:

Regarding our conversation yesterday about the properly displaying UN numbers on "empty" bulk containers that DO NOT contain the RQ amount of product. I'm attaching to this fax the OOS Violation Notice that my driver received from Ohio Highway Patrol.

The officer states "residue of Class 9 material" NO MARKINGS and NO Class 9 Placards. We use white-square-on-point 3082 numbers when we are required to mark our tanks. He cites the regulation, which I copied from your Web site. There is no mention of a change to the Class 9 exemption for Domestic Shipments (which he claims is as of OCT. 1 2001)

Remember this container was EMPTY at the time of inspection and did not contain the required amount of the RQ.

172.504(f) 9

(9) For domestic transportation, a Class 9 placard is not required. A bulk packaging containing a Class 9 material must be marked with the appropriate identification number displayed on a Class 9 placard, an orange panel or a white-square-on-point display configuration as required by subpart D of this part.

Can this be resolved with a letter from your Department? We should not be charged with this OSS when clearly after full inspection for 1.5 hours the only violation this officer found WAS NOT A VIOLATION.

Your assistance is greatly appreciated.

Sincerely,

Gerry Blase  
Manager Asplundh- Railroad Division

Called Mr. Blase -  
this material was regulated  
only because it was a  
HAZ. sub. meeting the  
RQ - When empty no longer  
meets RQ. He also  
wants us to state in  
response whether any  
rulemaking has changed  
placarding/markings to now  
require plac/markings in a situation  
such as this - also wants in  
it whether residue placard still  
applies. JOAN