



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

JUL 28 2006

Captain Bruce Bugg
Georgia Department of Public Safety
Motor Carrier Compliance Division
P.O. Box 1456
Atlanta, GA 30371-1456

Ref. No.: 06-0143

Dear Captain Bruce Bugg:

This is in response to your letter dated June 29, 2006, regarding the placarding requirements for combustible liquids in intermediate bulk containers (IBCs) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification of a previous letter from PHMSA to a Mr. Paul M. Bomgardner, dated August 14, 1995. Your questions are summarized and answered below.

Q1. A shipper offers an IBC filled with "Combustible liquid, n.o.s." Must the shipper placard the IBC, since there is no specified "Combustible liquid" label in the HMR?

A1. The answer is yes. Combustible liquids transported in a bulk packaging must be placarded. A bulk packaging placarding exception authorized in § 172.514(c) allows an IBC to be placarded on two opposing sides or, alternatively, labeled in accordance with Part 172, Subpart E of the HMR. However, because there is no "Combustible liquid" label specified in the HMR, this exception is not authorized for a bulk packaging containing a combustible liquid.

Q2. May the shipper use a label of the same size, shape and design as a "Flammable liquid" label and replace the word "Flammable" with "Combustible"?

A2. The answer is no. Combustible liquids transported in a bulk packaging must be placarded. A bulk packaging placarding exception authorized in § 172.514(c) allows an IBC to be placarded on two opposing sides or, alternatively, labeled in accordance with Part 172, Subpart E of the HMR. However, because there is no "Combustible liquid" label specified in the HMR, this exception is not authorized for a bulk packaging containing a combustible liquid.

Q3. May the shipper use "Flammable" placards in place of "Combustible" placards displayed on the IBC?



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172.504(f)(2)
172.514(c)

A3. The answer is no. In accordance with § 172.504(f)(2) a “FLAMMABLE” placard may only be used in place of a “COMBUSTIBLE” placard on a cargo tank, portable tank or a compartmented tank car which contains both flammable and combustible liquids. This provision does not apply to IBCs.

Q4. May a carrier transporting IBCs use “Flammable” placards on the outside of a closed vehicle (van-type trailer or truck) in place of the “Combustible” placards?

A4. The answer is no. (See response to Q3 above.)

I hope this information is helpful. Please contact us if you need additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is written in a cursive style with a large initial "C" and "B".

Charles E. Betts
Senior Transportation Specialist
Office of Hazardous Materials Safety

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Thursday, June 29, 2006 8:58 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Request for updated clarification

BAH
§ 172.504(f)(2)
§ 172.514(c)
Placarding
06-0143

-----Original Message-----

From: O.Bruce Bugg [mailto:obbugg@gsp.net]
Sent: Wednesday, June 28, 2006 12:56 PM
To: INFOCNTR <PHMSA>
Cc: PaulB; Billings, Delmer <PHMSA>
Subject: Request for updated clarification

This e-mail requests a written clarification regarding 172.504 and 172.514, partially to to update the clarification issued in August 1995 (reproduced below).

1. A shipper offers an Intermediate Bulk Container filled with "Combustible liquid, n.o.s." Must the shipper placard the IBC, since ere is no specified "combustible liquid" label?
2. May the shipper use a label of the same size, shape and design as a "Flammable liquid" label and replace the words with the word "combustible," or "Combustible liquid?"
3. May the shipper use "flammable" placard(s) in place of "Combustible" placard(s) displayed on the IBC?
4. May the carrier transporting the IBC's use "Flammable" placards on the outside of a closed vehicle (van-type trailer or truck) in place of the "Combustible" placards? This question is intended to update the previous guidance.

Previous guidance:

Mr. Paul M. Bomgardner
Hazardous Materials Specialist
American Trucking Associations
2200 Mill Road
Alexandria, Virginia 22314-4677

Dear Mr. Bomgardner:

This is in response to your letter regarding using a FLAMMABLE placard in place of a COMBUSTIBLE placard on a van-type trailer which contains a portable tank that is already placarded COMBUSTIBLE and not visible from the outside?

The scenario you presented is as follows:

A 250 gallon portable tank contains paint that is a combustible liquid. The portable tank displays a COMBUSTIBLE placard and an orange panel with the appropriate identification number. This is placed inside a van trailer and the outside of the trailer is then marked as required by § 172.326 utilizing the option to display the identification number on orange panels on all 4 sides of the trailer. The trailer is then placarded FLAMMABLE.

Since the motor carrier is placarding for the portable tank inside the van trailer, is this permissible?

Section 172.504(f)(2) permits a FLAMMABLE placard to be used on a cargo tank or portable tank in place of a COMBUSTIBLE placard during transportation of materials classed as flammable liquids and combustible liquids. Although the cargo tank or portable tank is placarded with a COMBUSTIBLE placard and placed inside of a van trailer, it is permissible to place a FLAMMABLE placard on the outside of the van trailer for purposes of transportation. Section 172.504(f)(2) is intended primarily to relieve carriers who transport both flammable and

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combustible liquids on different loads from having to change placards frequently. It may also be used by carriers who transport only combustible liquids.
I hope this information is helpful. If I can be of further assistance, please contact me.

Sincerely,
Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards
File:172.504

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6/30/2006