



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

OCT 31 2012

Mr. David Brady
ChemPura Pools, Ltd.
P.O. Box 56
586 Benjamins Way
Lewisville, TX 75067

Reference No. 12-0182

Dear Mr. Brady:

This is in response to your August 15, 2012 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding requirements. Specifically, you ask what is the correct way to display placards on a motor vehicle under § 172.516(a).

You enclosed photographs that show a pair of adhesive-backed CORROSIVE (Class 8) placards displayed vertically on three sides and horizontally on the hood of a Chevrolet C1500 pickup truck. One placard has the word "CORROSIVE" printed in large letters across its center but does not have the number "8" in the bottom corner. The second placard has the UN number "1791" printed in large numbers across its center and the number "8" in the bottom corner. Your photographs also show the placards on the hood are placed with their bottom corners approximately three inches above the truck's front grill on either side of the hood but just inside the area above the headlights. You state you placed the placards on the hood in this manner because placard holders were difficult to affix to the vehicle and simultaneously became a safety hazard and placard violation when they came off while travelling on a highway. You ask if the manner in which these placards are placed on the hood satisfies the requirement in § 172.516(a) of the HMR.

The answer is no. Section § 172.516(a) requires a placard to be clearly visible from the direction it faces, except from the direction of another transport vehicle to which it is coupled (see § 172.516(a)). The placards on the truck hood in the photographs you provided do not satisfy this requirement because their placement causes their designs to be partially obscured when viewed a few feet in front of, or to the side of, the vehicle. Further, the placard with the word "CORROSIVE" printed in its center does not comply with the image of the CORROSIVE placard prescribed in § 172.558 because it is missing the number "8" in its bottom corner.

I hope this satisfies your request.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
§172.516
Placarding

Drakeford, Carolyn (PHMSA)

From: Eckenrode, Andrew.CTR (PHMSA) on behalf of INFOCNTR (PHMSA)
Sent: Wednesday, August 15, 2012 3:56 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Placard Interpretation
Attachments: 2012-08-08_14-49-22_701.jpg; 2012-07-12_07-53-00_164.jpg; 2012-07-12_07-53-24_931.jpg; 2012-07-12_07-53-58_845.jpg

12-0182

Carolyn,

We received the following letter of interpretation.

Thanks,

Andrew

From: DAVID BRADY [mailto:chempura@flash.net]
Sent: Wednesday, August 15, 2012 3:43 PM
To: INFOCNTR (PHMSA)
Subject: Placard Intrepetation

This email is being sent to request your opinion on intrepretation of Placarding under 172.516(a).

I have a small Swimming Pool Service company in Lewisville for over 30 years now and we have been using Sodium Hyprchlorite as our Sanitizer in-lieu-of conventional Dry Chlorine since 1999. In order for us to meet our needs I have utilized a Tank in our trucks that holds a max of 192 gallons of Bleach starting in 1999. There is not any disagreement on whether the DOT Placarding & Licencing is applicable as we are in full compliance with all laws; requirements for Sodium Hypochlorite is 1000# which is equal to 100 gallons @ 10#/gallon. The only issue is whether the placement of the Placard meets the requirements of 172.516(a). One of our trucks was recently stopped by our local Lewisville Commercial Enforcement Officer & was cited for a violation of 172.516(a).

I spoke with a representative in your office & I was told to send this request for an official response on the matter. I understand that a written response might take some time but that a "preliminary response" could be sent relatively quickly. I am currently in the process of refuting this Violation & am scheduled to appear in our local Muncipal Court. I have asked 2 other local cities & a local Fire Department for their opinion & they felt the location was "plainly visable". It is best to address this item with you so that we can put this item to rest. I am attaching photos of the vehicle as I am requesting an intrepretaion if my current placement of the Placards on the Hood of the vehicle **is acceptable under the current statute**. I had used many versions of the standard Placards & Holders over the years but became very concerned about the **Safety Issue** with the Placards/Holders flying off the truck while it was on the Highway(s). It is very difficult(if not impossible) to affix such a Placard on the front of a standard vehicle that does not create more problems than it solves. There have been 3-4 instances of the Placards coming off so I made a decision to place the Placards on the Hood of the truck; therefore eliminating 100% the risk of accidentally losing any more Placards. I feel that my placement of the Placards does not conflict with the Statute as they are clearly visable from the front & are not surrounded by any other things that would detract from the placard. These Placards are plainly visable to any 1st Responder in the event of an accident & that is what they are really for. I am attaching photos of the truck which is a standard Chevrolet C1500 1/2 ton Pickup & a 6.5" standard pickup bed. All other 3 sides of the truck are not in question and the Tank also is placarded & marked with the appropriate information. Please be advised that in the second

picture (truck in the background) that one of our Employees went ahead & put more 1791 Placards on his Bumper in order to try & cover all the bases.

I look forward to hearing from you. I would appreciate an "informal opinion email" which would be sufficient in advance of a written response. Thank you for your time & interest in this matter. I can be reached @ 972-221-1213 or 972-880-6404 if I can clarify any items you need or if there are additional questions. A written response can be sent to: ChemPura Pools, Ltd

P.O. Box 56
586 Benjamins Way
Lewisville, TX 75067

Regards,
David Brady



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US001 2189638



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