



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

APR 05 2013

Mr. David W. Peters  
Regulatory Compliance Lead  
Monsanto Company  
800 North Lindgergh Boulevard  
Saint Louis, MO 63167

Reference No.: 13-0038

Dear Mr. Peters:

This is in response to your December 21, 2012 email to the Standards and Rulemaking Division of the Office of Hazardous Materials Safety requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the display of Globally Harmonized System of Classification and Labelling of Chemicals (GHS) labeling in conjunction with hazardous materials placards.

You provide a photograph of a portable tank displaying both GHS labels, and hazardous materials placards. The GHS hazard communication labels are adjacent to the required hazardous materials placards. You ask whether the display of the GHS labels adjacent to the required hazardous materials placards on the tank as depicted would constitute a violation.

The display of the GHS labels on the tank as depicted would not constitute a violation. Section 172.401(c)(5) specifically permits packages that are labeled in conformance with the GHS.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division

Babich  
3172.502

**Drakeford, Carolyn (PHMSA)**

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Placarding  
13-0038

**From:** Kelley, Shane (PHMSA)  
**Sent:** Wednesday, February 06, 2013 11:00 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Cc:** Pfund, Duane (PHMSA); Billings, Delmer (PHMSA)  
**Subject:** FW: GHS Labeling and DOT Placarding - Opinion  
**Attachments:** IMAG0277.jpg

Hi Carolyn

Can you please assign this for a formal response it should be assigned to PHH-13.

Thank you,

Shane

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Shane C. Kelley  
Assistant International Standards Coordinator  
Office of Hazardous Materials Safety  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
Voice: 202-366-4359  
FAX: 202-366-5713

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**From:** PETERS, DAVID W (AG/1000) [<mailto:david.w.peters@monsanto.com>]  
**Sent:** Friday, December 21, 2012 1:05 PM  
**To:** Kelley, Shane (PHMSA); Maureen Ruskin ([Ruskin.Maureen@dol.gov](mailto:Ruskin.Maureen@dol.gov))  
**Cc:** [Landkrohn.Kathy@dol.gov](mailto:Landkrohn.Kathy@dol.gov)  
**Subject:** GHS Labeling and DOT Placarding - Opinion

Hi Shane,

I hope you have a chance to truly relax and enjoy the slower(?) pace of the holidays. I would like a quick opinion (not a formal interpretation) of the attached photograph.

This is an intermodal portable tank that I saw on a recent due diligence trip to the port in Jacksonville, FL. You can see that this is the primary shipping package so it could be a workplace container as well. The tank is marked for the international shipment with the proper shipping name and the UN number on the orange panel. It is placarded with the class 3 placard and the environmental hazard mark. In addition it appears to be "labeled" for the GHS (either the CLP in Europe or HazCom 2012 in the US) with acute and chronic health hazards pictograms.

Assuming that the material is classified correctly and the container is compliance in all other ways, in this case do the pictogram size and location cause conflict with 49 CFR 17.502(a)(2) that states:

(a) Prohibited placarding. Except as provided in paragraph (b) of this section, no person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car—

...  
(2) Any sign, advertisement, slogan (such as "Drive Safely"), or device that, by its color, design, shape or content, could be confused with any placard prescribed in this subpart.

I saw similar sized pictograms on different tanks in Malaysia as well.

I recall the issues of possible confusion amongst transportation worker seeing the GHS pictograms and confusion with labeling, etc. and that DOT would permit the pictograms on the packaging. However, in this case I am questioning the size and location of pictograms in relation to the placards.

Maureen,

I also wish you the same hopes for a relaxing holiday season!

I gave our host a pop quiz to know if he knew what the pictograms meant. He admitted that he did not know but he also had not had HazCom 2012 training. My concern is that he was the safety lead for the terminal and he had not heard of GHS, etc. I asked if he knew where he could get more information and he did not have any idea. I pointed him to the OSHA website. There is a long road ahead for the awareness and training.

Best regards,

Dave

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**TERPENE HYDROCARBONS, N.O.S  
(COLD PRESSED ORANGE OIL)**

CLASS 3, UN 2319, PGIV, FP 110-120 F, 43-49 C

IMS F-3.5-D CFR 173.203 - ERG27

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**2319**

**GRXU 869407 7**

**22T6**

**T11 UN PORTABLE TANK**

**IMDG - RID/ADR**

**TG IMPACT APPROV**

**AAR600**

**IC 70**

**2,6m  
8'6"**

