



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

September 2, 2021

Ms. Lisa Stone  
Ocean Network Express (North America) Inc.  
8730 Stony Point Parkway  
Suite 400  
Richmond, VA 23235

Reference No. 21-0064

Dear Ms. Stone:

This letter is in response to your June 11, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the placarding requirements for international shipments. You describe a scenario where a shipping (freight) container loaded with non-bulk packages is transported internationally via vessel in accordance with the International Maritime Dangerous Goods (IMDG) Code. You ask whether a CLASS 9 placard affixed on the freight container with the text “MISCELLANEOUS” inserted in the white bottom part of the placard—as shown in the photo you provided—is an acceptable means of placarding under the HMR.

The answer is yes. In accordance with § 171.25, a hazardous material may be offered for transportation or transported to, from, or within the United States by vessel, and by motor carrier and rail in accordance with the IMDG Code, as authorized in § 171.22, provided all or part of the movement is by vessel. Section 5.3.1.1.2 of the IMDG Code prescribes the requirements for placarding of cargo transport units and bulk containers for CLASS 9 materials corresponding to the label model No. 9 found in section 5.2. Additionally, section 5.2.2.2.1.5 states that for labels<sup>1</sup> other than class 7, “the insertion of any text (other than the class or division number) in the space below the symbol shall be confined to particulars indicating the nature of the hazard and precautions to be taken in handling.”

---

<sup>1</sup> Note that the IMDG Code refers to placards as enlarged labels.

This provision applies to placards affixed to cargo transport units and bulk containers, and thus a CLASS 9 placard containing the text "MISCELLANEOUS" is authorized.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a prominent initial "D".

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

**From:** [Foster, Glenn \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#); [Hillman, Kenetha CTR \(PHMSA\)](#)  
**Subject:** FW: Request for PHMSA's Letter of Interpretation - Placards  
**Date:** Monday, June 14, 2021 7:25:29 AM  
**Attachments:** [image.png](#)  
[image.png](#)

Alice and Kenetha,

Please have the attached checked in as a LOI and assigned to the next Specialist in the rotation.

Thanks,  
 Glenn

**From:** Lisa Stone <lisa.stone@one-line.com>  
**Sent:** Friday, June 11, 2021 2:44 PM  
**To:** Pfund, Duane (PHMSA) <Duane.Pfund@dot.gov>; Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>  
**Cc:** Lisa Stone <lisa.stone@one-line.com>  
**Subject:** Request for PHMSA's Letter of Interpretation - Placards

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Day,

I am seeking a Letter of Interpretation to confirm the following Class 9 placard as depicted below is compliant and does not require replacement, nor removal, upon arrival at US ports for inland transport:

**Details:**  
 Non-bulk packages (drums) in standard dry shipping containers originating from Europe are affixed with Class 9 placards with the word "Miscellaneous".

As these shipments are being moved under the continuation of the vessel leg which is in compliance with the IMDG Code, the IMDG Code would take precedence based upon the below citations. Regardless, there is no requirement for a Class 9 placard by surface transport in the US as per 172.504(f)(9). The placard is required because of the IMDG Code and is permissible per 172.502(b).



Supporting information:

- 49CFR 171.22 authorizes use of international standards (IMDG)
- 49CFR 171.25 (a) address placarding in accordance with subpart F of Part 172 which brings us to:
- 49CFR 172.504 (b). prohibited and permissive placarding . Note. This section authorizes use of IMDG Code as an exception.

#### 172.502 Prohibited and permissive placarding.

(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—

- Any placard described in this subpart unless—
  - The material being offered or transported is a hazardous material;
  - The placard represents a hazard of the hazardous material being offered or transported; and
  - Any placarding conforms to the requirements of this subpart.
- 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.

(b) *Exceptions.* (1) The restrictions in paragraph (a) of this section **do not apply to** a bulk packaging, freight container, unit load device, transport vehicle or rail car which is placarded in conformance with TDG Regulations, **the IMDG Code** or the UN Recommendations (IBR, see 171.7 of this subchapter).

4. The IMDG section provided previously, IMDG 5.2.2.2 and 5.2.2.1.3 authorizes the text :

#### 5.2.2.2.2

##### Specimen labels

**Note:** Labels shall satisfy the provisions below and conform, in terms of colour, symbols and general format, to the models shown in [5.2.2.2.2](#). Corresponding models required for other modes of transport, **with minor variations which do not affect the obvious meaning of the label**, are also acceptable.

Thank you in advance for your review and confirmation.

Best regards



-----  
 Lisa Stone

DG Manager, North America Inland Policy

-----  
**Ocean Network Express (North America) Inc.**  
 8730 Stony Point Parkway, Suite 400  
 Richmond, VA 23235  
 Phone: (804) 256-2294  
 Mobile: (804) 363-5929

This e-mail and any materials contained in or accompanying it may be confidential, subject to legal privilege, or otherwise protected from disclosure, and is intended solely for the intended recipient(s). If you have received this communication in error, please notify the sender immediately, delete all copies in your possession and do not use any information herein. Neither Ocean Network Express Pte. Ltd. nor any of its related corporations or affiliates make any warranties in relation to this e-mail or any materials contained in or accompanying it.

Our Privacy Notice has changed. Please visit <https://www.one-line.com/standard-page/privacy-policy> to view the updated notice.