



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 31, 2024

Tom Forbes  
Public Utilities Commission of Ohio  
Transportation Department  
Chief, Motor Carrier Enforcement Division  
180 E. Broad St, Suite 421  
Columbus, OH 43215

Reference No. 23-0078

Dear Mr. Forbes:

This letter is in response to your August 22, 2023, letter and subsequent conversations with my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of placards and international standards.

We have paraphrased and answered your questions as follows:

- Q1: Your letter states that the Public Utilities Commission of Ohio (PUCO) inspected a domestic highway-only shipment of a portable tank displaying a placard approved under the International Maritime Dangerous Goods (IMDG) Code. You note that the portable tank displayed a Class 3 placard, approved under the IMDG Code, with the text “INFLAMMABLE LIQUID” horizontally across the placard, as pictured in your incoming letter. You ask whether it is permissible for the words “INFLAMMABLE LIQUID” to appear on a Class 3 placard in this domestic highway-only shipment scenario.
- A1: The answer is yes. The transportation of hazardous materials domestically—without any portion of the shipment made in conformance with international transport standards and regulations as specified in § 171.22(a)—necessitates the use of flammable placards adhering to the requirements outlined in § 172.546. However, note that § 172.519(b)(3) states that “for other than Class 7 or the DANGEROUS placard, text indicating a hazard (for example, “FLAMMABLE”) is not required. Therefore, it is the opinion of this Office that the use of the words “INFLAMMABLE LIQUID” on a Class 3 placard is permissible.
- Q2: You refer to a domestic shipment transported by highway only and inspected by PUCO described as “UN1197, Extract flavoring liquids, 3, PG II.” You state that the shipping paper listed the proper shipping name as “UN1197, Extract liquids, 3, PG II” and that the

shipping paper did not include the word “flavoring” in the proper shipping name as currently found in the § 172.101 Hazardous Materials Table (HMT). You add the shipper claims that PHMSA published a notice on November 28, 2022<sup>1</sup> that allows the use of the proper shipping name “UN1197, Extract liquids, 3, PG II” for domestic transportation. You ask whether the proper shipping name “UN1197, Extract liquids, 3, PG II” is allowed for domestic only shipments by highway under the HMR.

- A2: The answer is yes. On April 10, 2024, PHMSA published the HM-215Q final rule<sup>2</sup> revising the HMR to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names. Included in these changes was the addition of the proper shipping name “UN1197, Extract liquids, 3, PG II.” Therefore, the proper shipping name “UN1197, Extract liquids, 3, PG II” is now authorized under the HMR. For shipments made prior to April 10, 2024, the shipper is correct that PHMSA published an enforcement discretion notice on November 28, 2022 that allowed for the use of the proper shipping name “UN1197, Extract liquids, 3, PG II” for domestic transportation. This notice stated that PHMSA will not take enforcement action against offerors or carriers for shipments of hazardous materials made using international standards for domestic or international transportation. Regarding the use of UN numbers not yet adopted into the HMR, the intent was to allow for the use of these UN numbers as authorized by the revised international standards. PHMSA will ensure that any future enforcement discretion notice is clear on this matter.
- Q3: You describe a domestic-only shipment of corrosive liquids by highway, displaying Class 8 “Corrosive” placards that are black in the lower half and white in the upper half, as allowed in the international regulations. You note that § 172.558 of the HMR requires that Class 8 “Corrosive” placards must have the white portion of the placard be 1.5 inches above the placard horizontal center line. Specifically, you ask whether the Class 8 “Corrosive” placards authorized by international regulation—as described and pictured in your letter—are allowed for domestic-only transportation by highway.
- A3: The use of placards conforming to international standards is limited to shipments made in accordance with the requirements of 49 CFR Part 171 Subpart C. We appreciate the minor differences noted and may consider addressing this issue in a future rulemaking.

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

Sincerely,



Steven Andrews  
Acting Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

---

<sup>1</sup> <https://www.phmsa.dot.gov/regulatory-compliance/phmsa-guidance/phmsa-notice-enforcement-policy-regarding-international>

<sup>2</sup> 89 FR 25434 (Apr. 10, 2024).

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Written Interpretation Request  
**Date:** Tuesday, August 22, 2023 12:55:22 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Hi Alice,

Please see the below interpretation request.

Let us know if you need anything.

Regards,

-Breanna

---

**From:** tom.forbes@puco.ohio.gov <tom.forbes@puco.ohio.gov>  
**Sent:** Tuesday, August 22, 2023 9:54 AM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Subject:** Written Interpretation Request

**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.

HM Info Center:

This is a request for a written interpretation for clarification of the Hazardous Materials Regulations (HMR Parts 171-180) and the association with the International Maritime Dangerous Goods (IMDG) regulations involving the following 3 questions.

Q-1. An IM portable tank in international commerce under IMDG was recent inspected by our agency. The IM tank was displaying class 3 placard with the text inflammable across the placard see below. It should be noted there were compliant orange panels and UN numbers in association with the placard. Is the use of inflammable text permissive on a class 3 placard in this scenario?



Q-2 A domestic shipment by highway only was recently inspected by our agency transporting UN1197 Extract Flavoring Liquids, 3, PG II. The shipping paper listed Extract Liquids, 3, PG II. It did not include the word flavoring as is listed in the HMRs. The shipper claims that due to guidance issued by PHMSA on 11/28/2022 this is permissible in domestic transportation as a result of a change in Amendment 41-22 of the IMDG code which removed the word flavoring from the description of UN1197 making the proper description UN 1197 Extract Liquids, 3, PG II. Is the use of the IMDG code allowed in the United States for Domestic shipments by Highway only?

Q-3 An issue recently arose where a vehicle was transporting corrosive liquids domestically by highway only. The vehicle was placarded with class 8 corrosive placards. The class 8 corrosive placards were black in the lower half of the placard and white in the upper half of the placard as allowed by international regulations (bottom left image). The HMRs require the white to be 1.5 inches above the center line on a class 8 placards (bottom right image). Are class 8 placards with the upper half all white permissively allowed in the US for domestic transportation by highway?



## Tom Forbes

Public Utilities Commission of Ohio  
Transportation Department  
Chief, Motor Carrier Enforcement Division  
180 E. Broad St, Suite 421  
Columbus, Ohio 43215  
Cell (614) 519-2811  
Office (614) 644-0296

[PUCO.ohio.gov](http://PUCO.ohio.gov)



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.