



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

DEC 09 2016

Mr. Jay Polk  
Regulatory Specialist  
DuBois Chemicals, Inc.  
3630 East Kemper Road  
Sharonville, OH 45241

Reference No. 16-0146

Dear Mr. Polk:

This letter is in response to your September 6, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to providing hazardous materials placards to motor carriers under § 172.506(a). We have paraphrased your questions and answered them in the order you provided:

- Q1. You ask the meaning of “provide” as it is enforced in § 172.506(a) of the HMR.
- A1. The HMR do not define the word “provide.” However, according to conventional resources, such as the Merriam-Webster Dictionary, it means “to make something available” and “to give something wanted or needed to someone or something.”
- Q2. You ask if § 172.506(a) requires those who offer hazardous materials to: (1) physically hand placards to motor carrier drivers or present them along with shipping papers before or at the time the hazardous material is offered for transportation; or (2) have placards readily available and accessible in organized files for carriers to pick up as needed. You further ask which manner meets “provide” as enforced.
- A2. Section 172.506(a) specifies that the placards are to be offered to a motor carrier prior to or at the same time a hazardous material is offered for transportation, but it does not specify how they are to be made available. Therefore, the offeror may use any method that meets the requirements in § 172.506(a). It is the opinion of this Office that the following examples comply with this requirement: the offeror (1) physically hands applicable placards to the motor carrier; (2) physically applies applicable placards to the container/vehicle; or (3) makes applicable placards available to the motor carrier in

a manner such that the motor carrier can apply them to the appropriate container/vehicle as required under the HMR.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster", with a long horizontal flourish extending to the right.

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

**Goodall, Shante CTR (PHMSA)**

Edmonson  
172.506(a)  
Placards  
16-0146

**From:** Rivera, Jordan CTR (PHMSA)  
**Sent:** Tuesday, September 06, 2016 3:29 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation for §172.506(a): Providing and affixing placards: Highway

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Polk spoke with Shelby.

Please let me know if you have any questions.

Thanks,  
Jordan

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**From:** jay.polk [<mailto:jay.polk@duboischchemicals.com>]  
**Sent:** Tuesday, September 06, 2016 2:06 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Interpretation for §172.506(a): Providing and affixing placards: Highway

§172.506(a) simply states that the shipper “shall ‘provide’ the motor carrier with the required placards for the materials being offered... unless the carrier’s motor vehicle is already placarded for the material.”

What is the enforceable definition / interpretation of the term “provide”? I have been unable to find a definition or an official interpretation for what is meant or intended by the term “provide”.

Do the required placards have to be physically handed to the driver or presented with the shipping papers, either prior to or at the time the material is offered? Or by having the required placards for all materials being offered made readily available in organized, readily accessible files for the carriers to pick-up as needed, is this meeting the intent for the term “provide”?

Regards,  
Jay Polk  
Regulatory Specialist  
DuBois Chemicals, Inc.  
3630 E. Kemper Rd.  
Sharonville, OH 45241  
[jay.polk@duboischchemicals.com](mailto:jay.polk@duboischchemicals.com)  
P- 513-554-4245  
F- 513-554-4369