Transportation/Hazardous Materials: December 16th Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Propane Tank Labeling

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01/08/2021

The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a December 16th interpretive letter the application of the federal Hazardous Materials Regulations ("HMR") applicable to propane tanks.

The question involved the marking and labeling of such tanks.

PHMSA was responding to a September 3rd email from Clark Hill PLC ("Clark Hill").

Clark Hill referenced a scenario in which its client:

. . . is a company that manufactures large propane tanks ranging in size from approximately 6 feet long and 3 feet high, to approximately 24 feet long and 5 feet high.

The client is stated to ship such propane tanks new, along with shrink-wrapped valves. It is stated to wish to adhere "an accompanying label/marking" to each propane tank. (The September 3rd email included a picture of the label/marking.)

The picture is described as follows:

. . . the top of the rectangular label/marking has a large red banner that contains an exclamation mark inside of a white triangle and the word "DANGER," the left-hand side has a black and white flame symbol, and the right-hand side contains an "explosion hazard" warning as well as additional warnings for other problems owners should be aware of described in plain text.

Clark Hill asks whether it would be a violation of the HMR to adhere the warning label/marking previously described to a propane tank.

PHMSA answers in the negative. 49 CFR 172.401(b) is quoted. This provision prohibits a person from offering or transporting a package bearing a marking or label which by its color, design, or shape could be confused with or conflict with a label in the HMR. The label/marking is deemed by PHMSA to not be a violation of the HMR.

This conclusion is, however, qualified with the agency noting:

. . . please note that the "flame" symbol is similar to the Globally Harmonized System labels regulated by the Occupational Safety and Health Administration and may frustrate the transportation of the shipment.

A copy of the December 16th PHMSA letter and the September 3rd Clark Hill email can be downloadedhere.