

October 2010

RE: Transport of DOT Hazardous Materials in Company Vehicles

The transport of DOT hazardous materials by company employees in company or personal vehicles is considered an "in commerce" activity under the Hazardous Materials Regulations (HMR). Please note that the term "in commerce" means in furtherance of a commercial enterprise. This activity is therefore subject to the HMR and is covered under the Materials of Trade (MOT) exception at 49 CFR 173.6.

The HMR define a MOT as hazardous material, other than a hazardous waste, that is carried on a motor vehicle by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. A "private motor carrier" is a carrier that transports the business's own products and does not provide such transportation service to other businesses.

<p>49 CFR 173.6 Materials of trade exceptions. When transported by motor vehicle in conformance with this section, a material of trade (see § 171.8 of this subchapter) is not subject to any other requirements of this subchapter besides those set forth or referenced in this section.</p>
<p>Following are the applicable quantity limitations and other regulatory requirements:</p>
<p>(a) Materials and amounts. A material of trade is limited to the following:</p>
<p>(1) A Class 3, 8, 9, Division 4.1, 5.1, 5.2, 6.1, or ORM-D material contained in a packaging having a gross mass or capacity not over—</p>
<p>(i) 0.5 kg (1 pound) or 0.5 L (1 pint) for a Packing Group I material;</p>
<p>(ii) 30 kg (66 pounds) or 30 L (8 gallons) for a Packing Group II, Packing Group III, or ORM-D material; [note: this is where solvent-based inks are typically classified]</p>
<p>(iii) 1500 L (400 gallons) for a diluted mixture, not to exceed 2 percent concentration, of a Class 9 material.</p>
<p>(2) A Division 2.1 or 2.2 material in a cylinder with a gross weight not over 100 kg (220 pounds), or a permanently mounted tank manufactured to the ASME Code of not more than 70 gallon water capacity for a non-liquefied Division 2.2 material with no subsidiary hazard.</p>
<p>(3) A Division 4.3 material in Packing Group II or III contained in a packaging having a gross capacity not exceeding 30 mL (1 ounce).</p>
<p>(4) A Division 6.2 material, other than a Category A infectious substance, contained in human or animal samples (including, but not limited to, secreta, excreta, blood and its components, tissue and tissue fluids, and body parts) being transported for research, diagnosis, investigational activities, or disease treatment or prevention, or is a biological product or regulated medical waste. The material must be contained in a combination packaging. For liquids, the inner packaging must be leakproof, and the outer packaging must contain sufficient absorbent material to absorb the entire contents of the inner packaging. For sharps, the inner packaging</p>

(sharps container) must be constructed of a rigid material resistant to punctures and securely closed to prevent leaks or punctures, and the outer packaging must be securely closed to prevent leaks or punctures. For solids, liquids, and sharps, the outer packaging must be a strong, tight packaging securely closed and secured against shifting, including relative motion between packages, within the vehicle on which it is being transported.

(i) For other than a regulated medical waste, the amount of Division 6.2 material in a combination packaging must conform to the following limitations:

(A) One or more inner packagings, each of which may not contain more than 0.5 kg (1.1 lbs) or 0.5 L (17 ounces), and an outer packaging containing not more than 4 kg (8.8 lbs) or 4 L (1 gallon); or

(B) A single inner packaging containing not more than 16 kg (35.2 lbs) or 16 L (4.2 gallons) in a single outer packaging.

(ii) For a regulated medical waste, a combination packaging must consist of one or more inner packagings, each of which may not contain more than 4 kg (8.8 lbs) or 4 L (1 gallon), and an outer packaging containing not more than 16 kg (35.2 lbs) or 16 L (4.2 gallons).

(A) One or more inner packagings, each of which may not contain more than 0.5 kg (1.1 lbs) or 0.5 L (17 ounces), and an outer packaging containing not more than 4 kg (8.8 lbs) or 4 L (1 gallon); or

(5) This section does not apply to a hazardous material that is self-reactive (see § 173.124), poisonous by inhalation (see § 173.133), or a hazardous waste.

(b) Packaging.

(1) Packagings must be leak tight for liquids and gases, sift proof for solids, and be securely closed, secured against shifting, and protected against damage.

(2) Each material must be packaged in the manufacturer's original packaging, or a packaging of equal or greater strength and integrity.

(3) Outer packagings are not required for receptacles (e.g., cans and bottles) that are secured against shifting in cages, carts, bins, boxes or compartments.

(4) For gasoline, a packaging must be made of metal or plastic and conform to the requirements of this subchapter or to the requirements of the Occupational Safety and Health Administration of the Department of Labor contained in 29 CFR 1910.106(d)(2) or 1926.152(a)(1).

(5) A cylinder or other pressure vessel containing a Division 2.1 or 2.2 material must conform to packaging, qualification, maintenance, and use requirements of this subchapter, except that outer packagings are not required. Manifolding of cylinders is authorized provided all valves are tightly closed.

(c) Hazard communication

(1) A non-bulk packaging other than a cylinder (including a receptacle transported without an outer packaging) must be marked with a common name or proper shipping name to identify the material it contains, including the letters "RQ" if it contains a reportable quantity of a hazardous substance.

(2) A bulk packaging containing a diluted mixture of a Class 9 material must be marked on two opposing sides with the four-digit identification number of the material. The identification number must be displayed on placards, orange panels or, alternatively, a white square-on-point configuration having the same outside dimensions as a placard (at least 273 mm (10.8 inches) on a side), in the manner

specified in § 172.332 (b) and (c) of this subchapter.

(3) A DOT specification cylinder (except DOT specification 39) must be marked and labeled as prescribed in this subchapter. Each DOT-39 cylinder must display the markings specified in 178.65(i).

(4) The operator of a motor vehicle that contains a material of trade must be informed of the presence of the hazardous material (including whether the package contains a reportable quantity) and must be informed of the requirements of this section.

(d) Aggregate gross weight. Except for a material of trade authorized by paragraph (a)(1)(iii) of this section, the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds).

e) Other exceptions. A material of trade may be transported on a motor vehicle under the provisions of this section with other hazardous materials without affecting its eligibility for exceptions provided by this section.

[Amdt. 173-259, 62 FR 1216, Jan. 8, 1997, as amended by Amdt. 173-262, 62 FR 49566, Sept. 22, 1997; 62 FR 51560, Oct. 1, 1997; Amdt. 173-259, 63 FR 8142, Feb. 18, 1998; 63 FR 52849, Oct. 1, 1998; 66 FR 45381, Aug. 28, 2001; 67 FR 53137, Aug. 14, 2002; 68 FR 75742, Dec. 31, 2003; 68 FR 61941, Oct. 30, 2003; 71 FR 32258, June 2, 2006; 72 FR 55692, Oct. 1, 2007]