



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 11 1998

Ms. Tammi Keating
Kaiser Permanente Medical Care Program
National Environmental, Health & Safety
1800 Harrison, 11th Floor
Oakland, CA 94612

Ref. No. 98-0040

Dear Ms. Keating:

This is in reference to your letter dated May 5, 1998, requesting clarification on the materials of trade exception under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if hazardous materials transported between your company's materials management centers and your health care centers using Kaiser Permanente privately owned and operated vehicles may be considered materials of trade.

One criteria for a material of trade is that a hazardous material is transported by a private carrier in direct support of its principal business which may not be transportation by motor vehicle. Since you state that the hazardous materials transported between your company's materials management centers are used to support the business, and provided all conditions of § 173.6 are met, the materials of trade exception may be applied in your scenario.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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Kaiser Permanente Medical Care Program
National Environmental, Health and Safety
1800 Harrison, 11th Floor
Oakland, California 94612-3416

Boothe
§ 171.8 HOTS



May 5, 1998

Edward Mazzullo
Director of OHMS
400 7th Street, sw
Washington, DC 20590

Dear Mr. Mazzullo:

Our company provides health care to its members on a not-for-profit basis. We have a few materials management centers that receive and distribute various hazardous materials (as defined by DOT regulation) to our own health care centers using Kaiser Permanente privately owned and operated vehicles.

We request that you provide us your interpretation in writing as to whether the materials of trade exception would apply to our operations as described above.

Thank you in advance for your assistance. If you have any questions, feel free to call me at 510/987-3475.

Sincerely,


Tammi Keating