



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

1200 New Jersey Avenue, SE
Washington, DC 20590

June 13, 2024

Lew Snearly
Trucknbus.net
22 Vics Court
Albany, NY 12205

Reference No. 21-0056

Dear Mr. Snearly:

This letter is in response to your May 19, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the Materials of Trade (MOTs) provisions in § 173.6. Specifically, you ask whether your client—a furniture manufacturer supplier—is eligible for MOTs provisions under the HMR when transporting and delivering a glue used in the furniture manufacturing business classified as “UN1593, Dichloromethane solution, 6.1, PG III.” You describe a scenario in which your client sells the glue product to furniture manufacturers and transports the material in 5-gallon pails marked and secured as required for MOTs.

The answer is no. In accordance with § 171.8, a MOT means a hazardous material—other than a hazardous waste—that is carried on a motor vehicle and meeting one of the following requirements:

- (1) For the purpose of protecting the health and safety of the motor vehicle operator or passengers;
- (2) For the purpose of supporting the operation or maintenance of a motor vehicle (including its auxiliary equipment); or
- (3) By a private motor carrier (including vehicles operated by a rail carrier) in direct support of a principal business that is other than transportation by motor vehicle.

In the scenario that you provided, the material “UN1593” is being transported in commerce and is being delivered to the purchaser of the hazardous material. The hazardous material is not for the purpose of protecting the health and safety of the motor vehicle operator or passengers, or for the purpose of supporting the operation or maintenance of a motor vehicle (including its auxiliary equipment). Although the transportation described is by private motor carrier, the hazardous material is not being utilized by the carrier in direct support of a principal business

that is other than transportation by motor vehicle but rather is being sold and delivered to a customer. Therefore, the transport of this material in this way does not meet the definition or requirements for MOTs. An example of transportation that would be included in the scope of criteria #3 above would be a furniture repair company transporting a hazardous material for its use in the repair of furniture.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Shane Kelley", with a stylized flourish at the end.

Shane Kelley
Director, Standards and Rulemaking Division

Geller

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Materials of Trade exemption
Date: Monday, May 24, 2021 11:13:50 AM
Attachments: [image002.png](#)

21-0056

Hello,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

From: PHMSA Pipelinesafety
Sent: Saturday, May 22, 2021 1:12 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: FW: Materials of Trade exemption

Good afternoon,

The inquiry below relates to PHH matters. If someone from your team could respond, that would be great. Many thanks!

Office of Pipeline Safety

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE, West Building
Washington, DC 20590
Office: 202-366-4595 ♦ Fax: 202-493-2311

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-----Original Message-----

From: Lew Snearly [<mailto:trucknbus@earthlink.net>]
Sent: Wednesday, May 19, 2021 1:19 AM
To: PHMSA Pipelinesafety <PHMSA.Pipelinesafety@dot.gov>
Subject: Materials of Trade exemption

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.

Pipeline and Hazardous Material Safety Administration
Attn: PHC, US Department of Transportation

I am requesting a formal letter of interpretation regarding the Materials of Trade exemption.

I am a consultant and I work with a company that is a private motor carrier and they manufacture foam. They sell the foam and other materials (staples, fabric, adhesives) to furniture manufactures, boat manufactures, upholsterers, and such.

My client ships 5 gallon pails of 6.1 PG III UN1593 Dichloromethane solution and during a recent driver meeting I told them that they could ship this product under the MOT exemption. All the drivers were trained by me in the MOT exemption. The driver when asked told the trooper that he had two (2) 5 gallon pails of Dichloromethane solution on the truck and that they were shipping these pails under the MOT exemption. The company had the package secured against movement in a box that was also secured against movement. The packages did not leak.

The trooper placed the driver OOS for:

1. No shipping papers
2. No markings on the box. The 5 gallon pail was inside a box and the 5 gallon container was properly marked and sealed with no leaks.

The trooper indicated that since they are manufacturing and transporting the products to sell to a third party, then they wouldn't receive the MOTS exception. I see nothing in the MOT exemption that would support this statement. My client is a private motor carrier and they own the products they sell and they are not transporting these products for another company.

I have other clients that deliver and sell MOT items (lighters, matches, WD-40, small propane and Map gas cylinders, Sterno, and many other hazardous materials that meet the MOT exemption) plus food and other items to small grocery stores. Would these customers be excluded from the MOT exemption because they sell these products to the stores?

I can understand that the box was not marked and in the future we will mark the box with a proper shipping name and orientation arrows. However in the MOT brochure it specifically states "that are secured against movement in cages, bins, boxes, or compartments". I do not see anything that indicates the outer packaging needs to be marked. I can understand that this would be a good idea but I cannot determine that this is a requirement.

Thank you for your time and expertise.

Lew Snearly
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