



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

January 27, 2026

Tom Coty  
Safety & Compliance Specialist  
Dead River Company  
82 Running Hill Rd.  
Suite 400  
South Portland, ME 04106

Reference No. 25-0036

Dear Mr. Coty:

This letter is in response to your March 28, 2025, letter and subsequent correspondence requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the materials of trade (MOTs) provisions. In your letter, you note that your service technicians routinely carry small cylinders containing propane in commercial motor vehicles in support of their service work. Specifically, you ask whether your business operations meet the requirements of the MOTs provisions and whether shipping papers would be required.

We have paraphrased and answered your questions as follows:

- Q1. Does a cylinder containing propane used exclusively for appliance service (*i.e.*, **not for delivery or filling purposes**), which is transported by a service technician, meet the requirements of the MOTs provisions specified in § 173.6, and is the shipment excepted from the shipping paper requirements?
- A1. Yes. Provided the service technician is only performing appliance service (*i.e.*, **is not providing delivery or the filling of propane cylinders**) and a propane cylinder carried by the service technician complies with all applicable requirements of § 173.6, the propane would qualify for the MOTs provisions. These provisions include relief from the shipping paper requirements.
- Q2. Does propane used by a delivery driver to provide filling services to customers meet the requirements for the MOTs provisions specified in § 173.6, and is the propane in this scenario excepted from the shipping paper requirements?
- A2. No. As described, the propane is being transported in commerce and is being delivered to the purchaser of the propane. 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, this does not qualify for the MOTs provisions specified in § 173.6, and the shipment is subject to the full requirements of the HMR, including compliance with the shipping paper requirements.

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

Sincerely,

A handwritten signature in blue ink that reads "Alexander Wolcott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alexander Wolcott  
Acting Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps; Baker, Yul \(PHMSA\)](#)  
**Subject:** FW: Request for letter of interpretation regarding Materials of Trade and shipping papers  
**Date:** Friday, March 28, 2025 5:04:33 PM  
**Attachments:** [image001.png](#)

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Hi Alice,

Please see the below interpretation request. Let us know if you need anything.

Sincerely,  
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**From:** Thomas Coty <Thomas.Coty@deadriver.com>  
**Sent:** Friday, March 28, 2025 10:24 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for letter of interpretation regarding Materials of Trade and shipping papers

You don't often get email from [thomas.coty@deadriver.com](mailto:thomas.coty@deadriver.com). [Learn why this is important](#)

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Dear Sir or Madam,

03.28.2025

I am writing for clarification and to request a formal letter of interpretation regarding the Materials of Trade exemption as it applies to shipping papers.

Dead River Company provides service to our customers who have appliances that run on propane.

Our service technicians routinely carry smaller tanks containing propane (UN1075) in commercial motor vehicles in support of their service work. The tanks meet the size limitation for Materials of Trade. The tanks are carried on the vehicle in the event of an unexpected outage and are not used in routine delivery or transportation service.

Do these tanks meet the definition of a Material of Trade when used in these situations and would they therefore be exempt from shipping paper requirements?

I searched for an interpretation on this question but could not locate anything. The only example I did find, which offers a similar scenario, deals with tow trucks carrying gasoline to assist motorists. In this situation, the MOT exemptions were allowed (Ref. No. 04-0265). Our service technicians are essentially performing the same function; partially filling a customer's tank and taking the empty container with them.

I am happy to have a conversation with you to discuss this further and answer any questions you may have.

Respectfully,

Tom Coty  
Safety & Compliance Specialist

**Dead River Company – Delivering on A promise**

82 Running Hill Rd Suite 400  
South Portland, ME 04106  
Cell 603-851-3419  
[thomas.coty@deadriver.com](mailto:thomas.coty@deadriver.com)

**From:** [Thomas Coty](#)  
**To:** [Jacobson, Noah \(PHMSA\)](#)  
**Subject:** Re: PHMSA Request for Interpretation 25-0036 - Clarifying Questions  
**Date:** Friday, April 11, 2025 8:09:21 AM

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Good morning sir,

Dead River Company is a full-service propane and oil delivery business. The business function of our technicians is to perform the installations, repairs and maintenance of propane and oil appliances. Technicians that work on propane appliances typically carry propane on their service trucks in smaller "drift" tanks, like a forklift tank. We provide 24-hour on-call service to our customers and these tanks are often used during many afterhours calls. The propane is only used to get our customers back up and running. A delivery driver would then be dispatched to the customer's location to fill their tank.

I look forward to your reply. Please let me know if I can be of further assistance.

Thank you,

Tom

On Apr 10, 2025, at 11:58 AM, Jacobson, Noah (PHMSA) <noah.jacobson@dot.gov> wrote:

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Good Morning Mr. Coty,

I have some clarifying questions pertaining to your request for interpretation regarding the Materials of Trade exception and shipping papers. In order to accurately answer your question, some information on the business operations related to the propane would be very helpful.

What is the business function of your service technicians? Additionally, what do they carry the propane for and how is it used?

Thank you for helping to clarify this for us as we develop our response to your request.

Best,  
Noah Jacobson

**Noah Jacobson**

Transportation Regulatory Specialist, Office of Hazardous Materials Safety  
Standards and Rulemaking Division

US Department of Transportation  
**Pipeline and Hazardous Materials Safety Administration**  
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