



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

1200 New Jersey Avenue, SE
Washington, DC 20590

April 27, 2021

Amanda Davis
57475 CA-HWY 371 #1013
Anza, CA 92539

Reference No. 21-0016

Dear Ms. Davis:

This letter is in response to your February 17, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of hemp flower and biomass. Specifically, you ask whether hemp is considered a hazardous material or hazardous substance in accordance with the HMR.

Section 173.22 states that it is the shipper's responsibility to classify a hazardous material properly. This Office does not generally perform this function. As provided in § 171.8, the term "hazardous material" includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (HMT; § 172.101), and materials that meet the defining criteria for hazard classes and divisions as specified in Part 173 of Subchapter C of the HMR. The hazard class is determined based on the chemical composition and hazard properties of the material as it is being offered for transportation. If a material does not meet the hazard class criteria in Part 173 and is not a hazardous substance, hazardous waste, or marine pollutant, then it is not subject to the HMR.

Hemp is not specifically defined in the HMR or listed in the HMT. Additionally, your incoming letter has not provided enough information about the properties of the hemp for this Office to confirm whether it constitutes a hazardous material. A determination as to whether hemp is subject to the HMR must be based on whether it meets the criteria in Part 173 to be considered a hazardous material. Dependent on the properties of the material as it is being offered for transportation, hemp may meet the criteria to be considered a hazardous material. For example, as a plant matter, hemp may pose self-heating hazards in accordance with Division 4.2, spontaneously combustible materials.

Therefore, it is recommended that you test the materials in accordance with the UN Manual of Tests and Criteria for appropriate classification. This determination should not be limited to consideration of Class 4.2, and all hazard classes should be considered in your determination of classification for your material.

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 "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Requesting Letter of Interpretation For Hemp
Date: Friday, February 19, 2021 11:39:10 AM

21-0016

Hello Alice,

Below is a request for letter of interpretation. As stated below, the preferred contact information is for the driver, not the requestor.

Thanks,

Jonathon, HMIC

From: humfie@mlgreenworld.com [mailto:humfie@mlgreenworld.com]
Sent: Thursday, February 18, 2021 12:30 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Requesting Letter of Interpretation For Hemp

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.

Hi Jonathon,
Is the contact information for the driver or general? If the letter of interpretation is to be mailed out, please mail it to the driver's contact information.

Driver's Contact Information

Amanda Davis

Physical mailing address:

57475 CA-HWY 371 #1013

Anza, CA, USA

92539

Phone: (951) 357-7889

My Contact Information

Frank Hum

Physical mailing address:

Suite 500, 1716 - 16th Ave NW

Calgary, AB, Canada

T2M 0L7

Phone: (403) 452-4552

Have a great day,

Frank

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

From: "INFOCNTR (PHMSA)" <INFOCNTR.INFOCNTR@dot.gov>
Sent: Wednesday, February 17, 2021 1:26pm
To: "humfie@mlgreenworld.com" <humfie@mlgreenworld.com>
Subject: RE: Requesting Letter of Interpretation For Hemp

Dear Frank,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<https://www.phmsa.dot.gov/phmsa-regulations>

However, before we can submit your request for processing, please respond to this email with:

- Full Name
- Physical Mailing Address
- Telephone Number

Sincerely,

Jonathon, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

From: humfie@mlgreenworld.com [mailto:humfie@mlgreenworld.com]
Sent: Wednesday, February 17, 2021 3:57 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Requesting Letter of Interpretation For Hemp

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.

Hello,

Golden State Green World is a licensed Hemp cultivator in Southern California and we want to transport our hemp flower and biomass from our cultivation site to a lab, within California, in order to have it tested and processed. Additionally, we would also like to transport our finished products to dispensaries.

The gross weight of the vehicle used for transport, along with the flower, biomass and/or finished products will be under 10,000lbs. According to the DOT website, we

do not require a USDOT number because the gross vehicle weight is under 10,000lbs and we are not transporting hazardous materials.

I spoke with a DOT hazmat representative and he does not believe that hemp is classified as a hazardous material and recommended that I request a letter of interpretation to state that hemp is not a hazardous substance.

To ensure that we have the proper paper work to transport our hemp successfully, Golden State Green World is requesting a letter of interpretation to state that hemp is not classified as a hazardous material.

Please contact me for additional information or questions.

Thank you for your time

Frank