



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

December 5, 2022

Mr. Brian A. McGuire  
M-Tac Trucking Compliance LLC  
PO Box 1118  
Mullica Hill, NJ 08062

Reference No. 22-0063

Dear Mr. McGuire:

This letter is in response to your June 16, 2022, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to roadway striping vehicles. Specifically, you state that there are conflicting interpretations within the roadway striping industry as to whether roadway striping vehicles transporting certain hazardous materials for the purposes of roadway striping operations would be eligible for the provisions for materials of trade specified in § 173.6 of the HMR. You state that “plural component trucks” or “epoxy trucks” used for roadway striping operations have several bulk tanks mounted on them which each carry up to 285 gallons of hazardous materials used for roadway striping. Further, you state that it is your opinion that these roadway striping vehicles should be eligible for the materials of trade provisions in § 173.6 because the nature of this business is not transportation, and because these materials are being applied directly to roadways and other paved surfaces. Lastly, you request formal interpretation of the applicability of § 173.6 to roadway striping operations, and— if necessary—consideration for the creation of a new provision for roadway striping vehicles.

In the scenario you provided, the quantities of hazardous materials transported in the non-DOT specification cargo tanks on these vehicles exceed the quantity of hazardous materials allowed to be transported under the provisions specified in § 173.6(a)(1)(ii). Currently, roadway striping vehicles and packagings are subject to the requirements of § 173.5a(c).

If you believe a rulemaking change is warranted, you may submit a petition for rulemaking in accordance with 49 CFR 106.95, 106.100, and 106.105 of the HMR, including all information needed to support your petition. Your request would be evaluated for consideration in a future upcoming rulemaking. For regulations in 49 CFR Parts 171 through 180, please submit the petition to: Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, PHH-10, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001. Please contact Mr. Steven Andrews in the

Regulatory Review and Reinvention Branch of the Standards and Rulemaking Division at 202-366-8553 for more information.

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:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Request for a Formal Letter of Interpretation ref: Highway Linestriping Equipment  
**Date:** Friday, June 24, 2022 11:31:27 AM

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Hi Alice,

Please see the below interpretation request.

Let us know if you need anything else.

Regards,

-Breanna

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**From:** M-Tac Trucking Compliance <mtactruckingcompliance@gmail.com>  
**Sent:** Thursday, June 16, 2022 3:35 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for a Formal Letter of Interpretation ref: Highway Linestriping Equipment

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## Request for a Formal Letter of Interpretation ref: Highway Linestriping Equipment

To: Mr Shane Kelley  
Director, Standards and Rulemaking Division  
USDOT / PHMSA (PHH-10)  
1200 New Jersey Ave, SE East Building, 2<sup>nd</sup> Floor  
Washington DC 20590

From: Brian McGuire  
M-Tac Trucking Compliance LLC  
PO Box 1118  
Mullica Hill NJ 08062

Re: Request Formal Letter of Interpretation

Greetings,

I am a compliance consultant for various USDOT regulated carriers. It has come to my attention that there is an industry wide discrepancy and conflicting interpretation of the regulations regarding Plural Component / Epoxy Highway Line striping Trucks. I spoke with several FMCSA investigators, NJ State Trooper (Haz Mat inspectors) and a PHMSA investigator. No one could provide a definitive answer on whether or not the commercial motor vehicle falls under the Material of Trades exception of 173.6. Several said it fell under an exception; however, one (1) stated the opposite.

The Plural Component Truck (commonly called an Epoxy truck), has several tanks onboard with up to 285 gallons of UN3267 / Class 8 Corrosive (hardener) and UN3082 Class 9 (coloring/"paint" component). The products are in separate 285 gallons tanks. The products are heated, then pumped through a hose to the nozzle, which combines the products as they are being sprayed on the pavement. By the nature of the business, the commodities are not transported to a receiver, as a carrier/shipper. They are used on the roadways on various highways or other paved areas. Once the products are in the truck, they are more similar to a "Material of Trade". The carrier begins the operation with specific quantities of an epoxy hardener and "paint". Those products are dispersed on the highways/roadway.

An August 2021 Safety Advisor Notice – Roadway Striping and Use of Non-DOT Specification Cargo Tanks addresses the use and inspection of the tanks; however, does not address the "Material of Trades" issue.

I am respectfully requesting an interpretation and if necessary, consideration for the creation of an Exception for Line Striping operations.

Currently, very few Line Striping operations are aware of the current regulations and of the handful that I contacted in regards to this matter, most do not have placarding, HME, PHMSA HM Registration, etc.

I respectfully request an interpretation of the regulations involving Line Striping operations and look forward to your clarification.

Respectfully,

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Brian A. McGuire

856.430.0197

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