



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

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

NOV - 6 1998

Mr. Tom Perry  
2867 Stratford Drive  
Largo, Florida 33771

Ref. No. 98-0287

Dear Mr. Perry:

This is in response to your letter dated September 18, 1998, requesting clarification on the applicability of the materials of trade exceptions in § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to your pool cleaning service. Specifically, you are requesting verification from this Office that you are in compliance with the materials of trade exceptions in § 173.6.

According to your letter you operate a small pool cleaning service that cleans pools and adds chemicals to keep the water sanitized and properly balanced. You state that you transport the following chemicals in direct support of your business:

Trichloroisocyanuric acid, dry, 5.1, UN2468, II

Calcium hypochlorite, hydrated, 5.1, UN2880, II (RQ=10 lbs.)

Hydrochloric acid, solution, 8, UN1789, II

Hypochlorite solutions, (sodium hypochlorite), 8, UN1791, III (RQ=100 lbs)

You also state that these materials are properly packaged and marked in packagings not exceeding 66 pounds for solids or 8 gallons for liquids per package, and, the aggregate gross weight of all materials of trade on the vehicle does not exceed 440 pounds. Your vehicle operators are informed of the presence of the hazardous materials in accordance with § 173.6. It is your understanding that you are in compliance with § 173.6, and are not subject to any other requirements of the HMR except for those in § 173.6.

Your understanding of provisions in § 173.6 as they relate to your business operations are correct. Based on the information provided in your letter, you are in compliance with the materials of trade exceptions.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

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

2867 Stratford Drive  
Largo, FL 33771

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173.6  
98-0287

September 18, 1998

U.S. Department of Transportation  
Office of Hazardous Materials Standards  
Ed Mazzullo  
DHM-10  
400 7<sup>th</sup> Street SW  
Washington, DC 20590

Dear Mr. Mazzullo:

**Subject: Interpretation of 49 CFR, §173.6 Materials of trade exceptions**

Through my own interpretations of the materials of trade exceptions in 49 CFR §173.6, I have come to the conclusion that these exceptions apply to the hazardous materials that I transport. Would you please read the following description of my operation, and respond back in writing, so that I am certain of my compliance with the hazardous materials transportation regulations.

I operate a small pool cleaning service. We clean pools and also add chemicals to keep the water sanitized and properly balanced. Of the chemicals that we must transport in direct support of our business, four are regulated as hazardous materials by the Department of Transportation. The four materials are as follows:

- Trichloroisocyanuric acid, dry, 5.1, UN2468, II  
*Common name* - Chlorinating tablets  
*Use* - sanitize pool water  
*Solid*
- Calcium Hypochlorite, hydrated, 5.1, UN2880, II  
*Common name* - Chlorinating granules (Shock)  
*Use* - sanitize pool water  
*Hazardous substance* - RQ is 10 pounds  
*Solid*
- Hydrochloric acid, solution, 8, UN1789, II  
*Common name* - Muriatic acid  
*Use* - lower ph and alkalinity of pool water  
*Liquid*

- Hypochlorite solutions, (sodium hypochlorite), 8, UN1791, III  
*Common name* – Chlorinating liquid (Bleach)  
*Use* – sanitize pool water  
*Hazardous substance* – RQ is 100 pounds  
*Liquid*

The materials are transported to the homeowners pools in small pick-up trucks. The materials are contained in packagings that do not have a gross mass over 66 pounds for solids or 8 gallons for liquids. At no time do we exceed 440 pounds aggregate gross weight of all materials of trade on a motor vehicle.

The packagings are leak tight for liquids and sift proof for solids, securely closed, and secured against movement. All of the materials except for the Hypochlorite solution, are packed in the manufacturer's original packaging. The hypochlorite solution is transported in 2 ½ gallon plastic jerrycans (3H1), which are filled by us from a permanent storage tank.

All packagings are marked either with a common name or proper shipping name, including the letters "RQ" if it contains a reportable quantity of a hazardous substance.

The operators of our motor vehicles are informed of the presence of the hazardous materials and are informed of the requirements of §173.6

It is my interpretation that my business operation would be exempt under the materials of trade exceptions in 49CFR, §173.6 which would mean I am not subject to any other requirements of subchapter C – Hazardous Materials Regulations besides the ones set forth in §173.6. I am currently and will continue to abide by all of the regulations set forth in subchapter C, until I receive your reply.

Thank you for your help in this matter and I look forward to receiving your response.

Respectfully,

  
Tom Perry