



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

FEB 23 1998

Mr. Jeffrey M. Moses, CMTS  
Director of Services  
United Surveyors of Chemicals, Inc.  
P.O. Box 3555  
Baytown, Texas 77522-3555

Dear Mr. Moses:

This is in response to your letter of January 13, 1998, regarding transportation of small quantities of chemicals transported by your business under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). You state that your company is a licensed public gauger and accredited laboratory which serves the chemical industry. Your primary business is analyzing products for customers using small amount of hazardous materials in the process. Additionally, you may transport small amounts of hazardous materials that you use to wash the walls of ships and analyze the run off to determine amounts of contamination. You ask whether the hazardous materials you use to perform these analyses may be considered Materials of Trade (MOTs).

The answer is yes. One definition of MOTs is hazardous materials transported by a private carrier in direct support of a business that is other than transportation by highway. Provided all conditions of § 173.6 are met, the materials of trade exception may be applied.

I hope this information is helpful.

Sincerely,

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

*Polydows  
File: 173.6  
SC: 142, 124*

**USC** *United Surveyors of Chemicals, Inc.*  
PO BOX 3555 BAYTOWN, TEXAS 77522-3555 PHONE 1-800-872-2436

*called left message 1/28*

January 13, 1998

Edward Mazzullo, Director  
Office of Hazardous Materials Standards  
400 7<sup>th</sup> Street SW  
Washington, DC 20590

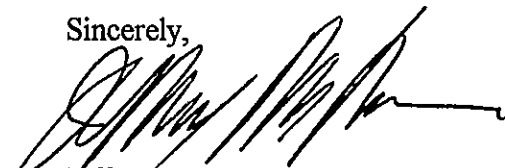
Dear Sir:

I would appreciate your opinion as to whether the "Materials of Trade (MOT)" exception in 49 CFR§173.6 would apply, as follows:

1. My company is a licensed public gauger and accredited laboratory serving the chemical industry.
2. While acting as a private carrier, we transport liter-size bottles of chemicals (classes 3, 8, and 9; and division 6.1) to our laboratory, or to other laboratories, for our clients.
3. We also transport liter-size bottles of chemicals utilized for wall-washing ships and barges to and from the job site.
4. All origins and destinations regarding the chemicals are within the State of Texas.
4. The clients for whom we transport the chemicals are manufacturers and distributors or trading companies. We do not transport chemicals for any company whose principal business is transportation by motor vehicle.

Thanks, in advance for your help in this matter.

Sincerely,



Jeffrey M. Moses, CMTS  
Director of Services

*uses MOT for analysis of customer product  
primary job - analysing haz mat*