



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

171.8
400 Seventh Street, S.W.
Washington, D.C. 20590

APR 28 1999

Ms. Julie Brown
Eastman Chemical Company
Logistics Compliance
P.O. Box 431
Kingsport, TN 37662-5280

Ref. No. 99-0081

Dear Ms. Brown:

This is in response to your letter of March 29, 1999, requesting clarification on the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether Eastman Chemical Company's chemists transporting small amounts of hazardous materials to schools to conduct experiments for educational purposes would fall under the material of trade definition in § 171.8.

The answer is yes. In order to take advantage of the material of trade exception, criteria in the definition for material of trade in § 171.8 must be met. A material of trade is a hazardous material, other than a hazardous waste, that is carried on a motor vehicle for the purpose of: (1) protecting the health and safety of the motor vehicle operator or passengers; (2) for the purpose of supporting the operation or maintenance of motor vehicle; (3) by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. Eastman Chemical Company's chemists' primary responsibility is not transportation; therefore, the materials of trade exception would apply if all the requirements of § 173.6 are met. These materials are not subject to any other requirements of the HMR other than those set forth in § 173.6.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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EASTMAN

Eastman Chemical Company
P. O. Box 431
Kingsport, Tennessee 37662

March 29, 1999

Mr. Edward Mazzullo
Office of Hazardous Materials Standards
Research and Special Programs Administration
400 Seventh Street, SW, DHM-10
Washington, DC 20590

RE: Request for interpretation

Dear Mr. Mazzullo:

On occasion, our chemists will travel to local schools in the area to conduct experiments for the school children for educational purposes. For these experiments, small amounts of hazardous material are transported to the schools in company or personal vehicles over public roads. Would this fall under the definition of the material of trade in 49 CFR 171.8 and could we use the exception in 49CFR 173.6? I spoke with the Hazardous Materials Hotline who talked with Diane Lavallo and she agreed we could use the MOT exception. I would appreciate written confirmation regarding this question. Thank you.

Yours very truly,

Julie Brown
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