



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

JAN 28 2000

Mr. Jason C. Pollman  
Specialty Gases of America, Inc.  
5242 Tractor Rd. Unit H  
Toledo, OH 43612

Ref. No. 99-0238

Dear Mr. Pollman:

This is in response to your letter and subsequent telephone conversation with Michael Johnsen of my staff concerning the materials of trade (MOTs) exception in § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask whether Division 2.1 and 2.2 materials transported by your customers as private carriers either from your distribution center to their facility or between your customers various locations may be transported under the materials of trade exception.

Since your customers (e.g., welders or florists) transport hazardous materials in support of their business and their primary business is not transportation by motor vehicle, the hazardous materials can be transported under the MOTs exception provided all the provisions in § 173.6 are met. If your customers hire a contractor or other transportation company to transport these hazardous materials, the MOTs exceptions do not apply.

You also had a question concerning the registration and shipping paper requirements for shipments on your company's vehicles of Division 2.1 and 2.2 materials with an aggregate gross weight of less than 1000 pounds. Companies which ship specific materials and amounts outlined in § 107.601 must register. If your company is required to register, then § 107.620(b) requires that a copy of the registration, or another document with the registration number (identified as the "U.S. DOT Hazmat registration No.") be carried onboard each truck. Shipping papers must accompany all hazardous materials shipments unless explicitly excepted from shipping paper requirements in the regulations.

I hope this satisfies your request.

Sincerely,

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



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173.6



SPECIALTY HYDROCARBONS & GASES, INC.  
SPECIALTY GASES OF AMERICA, INC.  
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THE AMERICAN GAS GROUP

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/RSPA (DHM-10)  
400 7<sup>th</sup> Street S.W.  
Washington, D.C. 20590-0001

Johnson  
S 173.6  
99-0238

August 24, 1999

Mr. Edward T. Mazzullo,

I have some questions concerning the materials of trade exceptions (49 CFR 173.6) as they pertain to my business. I represent a compressed gas manufacturer.

1. We have customers who ship less than 440 lb. of class 2.1 and 2.2 materials between their locations. These customers use helium and welding gases. The materials are carried on these customers' vehicles and their principal business is other than transportation by motor carrier. Do these customers qualify for the materials of trade exceptions?
2. We have other customers who pick up from our facility in their own vehicles less than 440 lb. of class 2.1 and 2.2 materials to take to their location. These customers also use helium and welding gases. Their principal business is other than transportation by motor carrier. Do these customers qualify for the materials of trade exceptions?

I also have a question concerning shipping compressed gases with the company's vehicles. We currently have two commercial trucks. These are both currently registered per 49CFR 107.601. We also have a Chevy 1500 pick-up truck. What paperwork (registration and shipping papers) is required to ship compressed gases of classes 2.1 and 2.2 with an aggregate weight of less than 1000 lb. using this vehicle? We have some local deliveries and some smaller deliveries where it would be more cost effective to use this truck.

For all three of these questions, the cylinders meet all DOT requirements for cylinder qualification and proper hazard labeling. The cylinders are always properly loaded and braced for transportation.

If you have any questions or need more information to answer these questions, please contact me.

Thank you,

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