



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

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

MAR 6 2003

Mr. Leo Malatesta  
DeAngelo Brothers Incorporated  
100 N. Conahan Drive  
Hazelton, PA 18201

Ref. No.: 02-0076

Dear Mr. Malatesta:

This responds to your letter regarding the Materials of Trade (MOTS) and the Class 9 placarding exceptions for Class 9 materials shipped under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We apologize for the delay in responding and hope it has not caused any inconvenience.

You stated that your company is a private carrier of Class 9 materials for domestic end-use transportation only, which may include bulk packagings. The material is described as "Other regulated substances, liquid, n.o.s., 9, NA 3082, III," and may be shipped in a reportable quantity (RQ). You asked, using either the MOTS or placarding exceptions for Class 9 materials, can a Class 9 material be transported without displaying the CLASS 9 placards?

The answer is yes. By definition, MOTS include a hazardous material that is transported by a private carrier in direct support of its principal business which may not be transportation by motor vehicle. A Class 9 material of not more than 1500 L (400 gallons) for a diluted mixture, not to exceed 2 % concentration, may be shipped under the MOTS exception. A bulk packaging containing a diluted mixture of a Class 9 material must be marked on two opposing sides with the identification number of the material. The identification number may be displayed on placards, orange panels, or on a white square-on-point configuration. A hazardous material (e.g., Class 9) shipped under the MOTS exception is not subject to any other requirements, including placarding, when transported by motor vehicle if all the conditions of § 173.6 are met.

For domestic transportation, A CLASS 9 placard is not required on a transport vehicle containing a Class 9 material. However, a bulk packaging containing a Class 9 material must be marked with the appropriate identification number displayed either on a CLASS 9 placard, an orange panel or a white



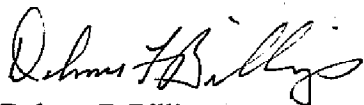
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173.6

square-on-point display configuration. For a Class 9 material shipped in a quantity which equals or exceeds a RQ of a hazardous substance, the shipping paper and a non-bulk packaging must contain the letters "RQ". (See §§ 172.203(c), § 172.324, 172.332 and 172.504(f)(9)).

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

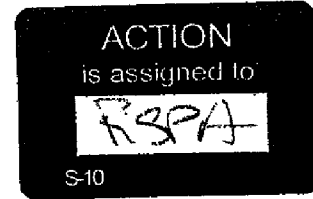
Sincerely,

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

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



Harnessing Technology and Preserving the Environment



February 22, 2002

U.S. Department of Transportation  
400 Seventh Street  
Washington, D.C. 20590

Engrum  
§ 172.504(e)(9)  
§ 173.6(c)(2)  
Placarding ✓  
MOT  
02-0076

To Whom It May Concern:

Our company is seeking guidance regarding two hazardous materials regulations. We have asked these questions to officers and inspectors, and have received differences of opinion due to the interpretation of each regulation. Please provide written clarification interpreting the conditions I have outlined below.

We are a vegetation management company, applying herbicides to industrial accounts. We are a private carrier of Class 9 materials for domestic end-use transportation only. We at times carry them in bulk quantities, always diluted with water. Occasionally we meet a single container reportable quantity of that hazardous substance, again typically after diluting with water. Our substances fall under identification number 3082, other regulated substances, liquid, nos. Can we transport our products, without placards, using either of the exemptions listed below:

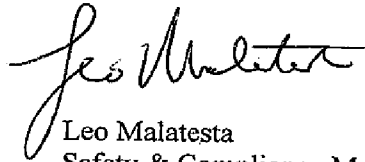
**CFR 49, 172.504 (e) (9) General placarding requirements:** "For domestic transportation, a Class 9 placard is not required. A bulk packaging containing a Class 9 material must be marked with the appropriate identification number displayed on a Class 9 placard, an orange panel or a white square-on-point display configuration as required by subpart D of this part."

**CFR 49, 173.6 (c) (2) Materials of trade exceptions:** A bulk package containing a diluted mixture of a Class 9 material must be marked on two opposing sides with the four digit identification number of the material. The identification number must be displayed on placards, orange panels, or alternatively, a white square-on-point configuration having the same outside dimensions as a placard, in the manner specified in 173.332 (b) and (c) of this subchapter.

Will we be in compliance by removing the placards from our bulk tanks and replacing them with the appropriate identification (orange panel) using either of the exemptions listed above? If placarding is not required, the orange panels will be sufficient identification of our materials. Our intentions are to fully comply with the regulations, and not to leave any room for interpretation regarding the proper identification of these products.

Please respond in writing to my attention. If you have any other questions concerning this issue please call me at 800-360-9333. Our office hours are 8:30 am – 5:00 pm, EST, Monday – Friday. If you call beyond those times listed, please leave a message on my extension, #6322. Thank you for your prompt response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leo Malatesta".

Leo Malatesta  
Safety & Compliance Manager