



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Ave., S.E.  
Washington, DC 20590

JUN 27 2008

Mr. John E. Williams III  
Director HSE  
Inspectorate America Corporation  
12000 Aerospace Avenue, Suite 200  
Houston, TX 77034-5576

Ref. No. 08-0044

Dear Mr. Williams:

This responds to your February 15, 2008 letter, requesting clarification on the materials of trade (MOTs) exception under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). According to your letter, your company transports samples from chemical and petroleum refineries and marine terminals to your laboratories and facilities. Additionally, you transport and use small amounts of solvents to conduct wall wash tests on marine vessels. The run off of the wash is collected and analyzed to determine the presence of any contaminants prior to loading other chemicals or petroleum products. You request confirmation that these activities performed by your non transportation-related company qualify for the MOTs exception. You ask whether the MOTs exceptions under §173.6 of the HMR apply to the hazardous materials transported by your company.

The answer is yes. The HMR define a MOT as hazardous material, other than a hazardous waste, that is carried on a motor vehicle by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. Provided all requirements of §173.6 are met, you may utilize the MOTs exceptions for the transportation of hazardous materials between your laboratories and facilities and off-site locations.

I hope this answers your inquiry.

Sincerely,

Susan Gorsky  
Acting Chief, Standards Development  
Office of Hazardous Materials Standards

DOT/RSPA OHMS  
UNIT

08 FEB 19 11:23



Operations Support Team (OST)  
1200 Aerospace Avenue, Suite 200  
Houston, TX 77034-5576

DOT/RSPA OHMS  
UNIT

08 FEB 19 11:23

Mr. Theodore Willke  
Associate Administrator for Hazardous Materials Safety  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, 2nd Floor  
Mail Stop: E22-227  
1200 New Jersey Ave., SE  
Washington, DC 20590

Boothe  
§173.6  
MOT  
08-0044

February 15, 2008

Subject: Transportation of Materials of Trade

Dear Sir,

Inspectorate America Corporation operates as US Customs accredited Petroleum and Chemical gauging, sampling and analysis company under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 – 180). In our normal scope of business, we carry limited quantities of sampled materials from chemical and petroleum refineries, marine terminals, marine vessels, etc., to our accredited laboratories and retain facilities. This transportation is incidental to our business, which is the measurement of bulk cargoes, and the subsequent analysis of the samples drawn.

We also transport and use small amounts of hazardous materials such as solvents to conduct wall wash tests on marine vessels. The run off of the wash is collected and analyzed to determine the presence of any contaminants prior to loading of other chemicals or petroleum products.

We would like you to confirm that the small amounts of hazardous materials that we transport as samples and the materials used in wall washes, provided that we meet the requirements of § 173.6, are covered under the exemptions for "Materials of Trade" - In that we operate a business that is not transportation related and transport these small quantities of hazardous materials over highways as an incidental business requirement.

This request arises as a direct result of us seeing a letter on the PHMSA website which allows one of our direct competitors engaged in the same type of work to use this exemption and allowance. We feel that although this letter appears to set somewhat of a precedent in this matter, we would appreciate your confirmation.

(Please see:

<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnextoid=04a610b82caa5110VgnVCM1000009ed07898RCRD&vgnnextchannel=56acd3c1af814110VgnVCM1000009ed07898RCRD&vgnnextfmt=print> )

Many thanks for your kind assistance in this matter. We look forward to your response.

Yours Sincerely,



John E. Williams III  
Director HSE  
Inspectorate America Corporation