

Hazardous Materials Bulletin

OPERATIONAL EXCEPTIONS

December 2007

There are numerous exceptions to most or all of the Federal Hazardous Materials Regulations (FHMR), based on a particular operation or function by an offeror or motor carrier, as compared to exceptions for certain materials or quantities. This document is an overview of some of those exceptions.

Oilfield Service Vehicles, §173.5a

Cargo tanks mounted on transport vehicles that are used in oilfield servicing operations are excepted from the specifications for cargo tanks, provided: the cargo tank and equipment contain only residue (i.e., emptied as far as practicable) of a flammable liquid alone or in combination with water, no flame producing device is operated during transportation (i.e., tank heaters, etc.) and the proper shipping name is preceded by "Residual" on the shipping papers.

Exceptions for Shipments of Waste Materials, §173.12

This section contains provisions for hazardous wastes, such as:

- The use of open head drums, under certain conditions;
- The "lab pack" provisions for wastes meeting the definitions of classes/divisions 3, 4, 5.1, 6.1, 8, or 9, with certain quantity, classification and packaging requirements; and
- Reuse of packages under certain conditions.

Empty Packagings, §173.29

Subsection (b) of this section provides relief from all of the FHMR for empty packages, provided they are "sufficiently cleaned of residue and purged of vapors to remove any potential hazard," or is unused, filled with a non-hazardous material, or contains the residue of an ORM-D. This exception does not apply to hazardous substances, wastes, or marine pollutants. All markings and labels must be removed or covered during transportation, unless the package is not visible during transportation and it is loaded by the shipper and unloaded by the shipper or consignee.

Subsection (c) states that except for hazardous material subject to 172.505, non-bulk packages containing only the residue of a Table 2 material (§172.504) do not have to be included in the quantity considered for placarding; and are excepted from shipping papers when collected and transported by contract or private carrier for reconditioning, remanufacture, or reuse. Specific provisions for empty package descriptions on shipping papers are found in Section §172.203(e).

Exceptions for Compressed Gases, §173.307

This provision excepts the following from all of the FHMR; carbonated beverages, tires (except by air), balls used for sports, and refrigerating machines, including dehumidifiers and air conditioners (containing 25 pounds or less of nonflammable liquefied gas; see also 173.174).

Batteries, Wet, §173.159

Subsection (d) excepts non-spillable wet electric storage batteries from all of the FHMR provided the batteries are protected from short circuits and securely packaged, the battery and outside package are marked "NONSPILLABLE" or "NONSPILLABLE BATTERY," and the package meets the vibration and pressure differential tests outlined in the subsection.

Subsection (e) excepts electric storage batteries from all of the FHMR, when transported by highway or rail, provided no other hazardous materials are in the same vehicle; the batteries are loaded or braced to prevent damage and short circuits; any other material in the vehicle is loaded or braced to prevent contact with or damage to the batteries; and the transport vehicle may not carry any other material shipped by any person other than the shipper of the batteries.

Anhydrous Ammonia Nurse Tanks, §173.315(m)

Cargo tanks containing anhydrous ammonia, commonly called nurse tanks or farm wagons, used exclusively for agricultural operations, are excepted from the cargo tank specifications, provided it meets certain conditions (has a minimum design pressure of 250 psig., meets ASME code; equipped with safety relief valves that meet CGA Pamphlet S1.2; is painted white or aluminum; 3,500 gallons or less capacity; filling density no greater than 56%; and is securely mounted on a farm wagon). Further, these tanks are excepted from the shipping paper requirements, and do not have to be marked or placarded on one end, if that end contains valves, fittings, or appurtenances that prevent the marking or placard from being visible.

For further information on marking and placarding of nurse tanks, see Bulletin Volume 3, No. 11.

Liquefied Petroleum Gas Exceptions, §173.315 (j) and (k)

Under §173.315(j), relief is provided for liquefied petroleum gas (LPG) storage containers for permanent installation on consumer premises. These containers must be shipped by private carrier, must meet the ASME Code, must have safety devices that meet NFPA No. 58, and must be braced to prevent motion while in transit. Valves and fittings must be protected from damage, and they cannot contain more than 5% of their capacity of LPG, except in certain situations, in accordance with DOT Special Permit 13341. Storage containers of less than 1,042 pounds water capacity (125 gallons) may be filled in compliance with USDOT filling density.

Subsection 173.315(k) allows the use of non-specification cargo tanks for LPG, provided it meets the ASME Code; has a minimum design pressure no lower than 250 psig; has a capacity of 3,500 gallons or less; conforms to NFPA No. 58; has been inspected and tested in compliance with Subpart E of Part 180 for MC331 cargo tanks; is operated exclusively in intrastate commerce; and was used for LPG transport prior to January 1, 1981.

The FHMR generally requires both the tank and the vehicle to be placarded. There is a provision that states the vehicle does not need to be placarded if the placard(s) on the tank are visible. There is, however, no provision to not placard the tank if the vehicle placard(s) are visible.

For example, LPG storage tank trailers do not need to be placarded if the placards are on the tank and are visible. If the tank itself is not placarded, however, a citation may be issued even if the placards on the vehicle are visible. While this may seem to be an insignificant difference, the hazard exists that the tank could be separated from the trailer during a vehicle crash.

Other Provisions

Subpart E of Part 173 contains numerous sections on particular hazardous materials, some of which may be excepted from the FHMR under certain conditions. Other sections of interest include §173.7 for U.S. government material, and §173.22a for package exemptions. Various quantity exceptions, such as ORM-Ds, limited quantities, and small quantities, are discussed in Bulletin Volume 3, No. 4. Materials of Trade, §173.6, is discussed in Bulletin Volume 3, No. 5. Agricultural Operations, §173.5, is addressed in Bulletin Volume 3, No. 12.

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Michigan State Police – Traffic Safety Division, www.michigan.gov/motorcarrier

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