

Hazardous Materials Bulletin

MATERIALS OF TRADE

December 2007

Added by Docket #HM-200, the Materials of Trade exception provides relief to small operations transporting hazardous materials incidentally to their operation, and to carriers who transport small quantities of hazardous materials for vehicle operations (i.e., WD-40). If you meet all of the requirements below, your shipment is excepted from all other requirements of the FHMR.

“Material of trade” is defined (§171.8) as “a hazardous material, other than a hazardous waste, that is carried on a motor vehicle-

- (1) For the purpose of protecting the health and safety of the motor vehicle operator or passengers;
- (2) For the purpose of supporting the operation or maintenance of a motor vehicle (including its auxiliary equipment); or
- (3) By a private motor carrier (including vehicles operated by a rail carrier) in direct support of a principal business that is other than transportation by motor vehicle.

Classes/divisions included in §173.6 are 3, 4.1, 5.1, 5.2, 6.1, 8, 9, and ORM-D materials. Self-reactive materials, poison inhalation hazard materials, and hazardous wastes are not eligible for this exception.

The gross mass/capacity limits are:

1. Packing Group I: .5 kg (1 lb.) or .5 L (1 pint).
2. Packing Group II, III, or ORM-D: 30 kg (66 lbs.) or 30 L (8 gallons).
3. Diluted mixtures of Class 9 materials, 2% concentration maximum: 1,500 L (400 gal).
4. Cylinders of 2.1 or 2.2 materials, or permanently mounted ASME tanks, 70 gallons or less capacity: 100 kg (220 lbs.) gross weight for non liquefied Division 2.2 material with no subsidiary hazard...
5. Division 4.3, PG II or III: 30 ml (1 oz) gross capacity of the packaging.

Except for item #3 above, the aggregate gross weight of all materials of trade may not exceed 200 kg (440 lbs.) on a motor vehicle. Any hazardous materials in excess of the 440-lb. limit must be in full compliance with the FHMR.

Packagings must be leak tight for liquids and gases; sift proof for solids, and securely closed, secured against movement, and protected against damage. Each material must be packaged in the manufacturer's original packaging, or a packaging of equal or greater strength and integrity.

All non-bulk packages complying with §173.6 need only be marked with a common name or proper shipping name to identify the material, including the letters “RQ” if it contains a reportable quantity of a hazardous substance.

Operators of vehicles containing materials of trade must be informed of the presence of the hazardous material and of the requirements of this section. The presence of other hazardous materials does not affect the use of the MOTs exception.

Permanently mounted tanks, manufactured to ASME standards, are also included in the MOTs provision. They must be used for non-liquefied Division 2.2 materials that have no subsidiary hazard, and the tank must not exceed a capacity of 70 water gallons.

Let's look at some common examples:

GASOLINE

As a Packing Group II material, each can of gasoline may not exceed a capacity of 8-gallons. With a gross maximum of 440 lbs., that's about nine 8-gallon cans, assuming there are no other MOTs on the vehicle. The containers must be metal or plastic and either conform to USDOT specifications or OSHA standards. Most gasoline cans found in hardware stores meet the OSHA standards. The container must be marked, "Gasoline". Any containers of gasoline in excess of 8-gallons capacity must be in compliance with the FHMR.

WELDING OPERATIONS

Cylinders must meet USDOT specifications, and must be marked and labeled in accordance with the FHMR.

The Compressed Gas Association's neck ring or collar label is an acceptable method of meeting the requirements. A common violation, however, is having an out-of-date label. All primary labels are now required to have the hazard class (e.g., "3" for flammable liquids, "2" for all gases) in the bottom corner of the label.

Division 2.3 materials are not included in MOTs, and Division 2.1 or 2.2 cylinders may not exceed 100 kg (220 lbs.) per cylinder. Remember that the gross weight includes the weight of the cylinders, not just the gas inside them.

PESTICIDE TANKS

MOTs also allows for a 400 gallon (1500 liter) tank containing a diluted mixture of a Class 9 material. Most pesticides fall under Class 9, which includes hazardous substances, marine pollutants, etc. The mixture cannot exceed 2 percent concentration.

The tank must be marked on two opposing sides with the identification number on an orange panel or white square-on-point configuration. The numbers must be 25 mm (1 inch) high and 6 mm (.16 inch) wide.

This provision does not have to comply with the 440-lb. total gross weight, and is not included when determining the 440 lb. total.

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

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