



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

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

MAR 1 2000

Mr. Robert J. Brown, Jr.
Hazardous Materials Specialist
Office of Motor Carrier Safety
201 Mission Street, Suite 2100
San Francisco, CA 94105

Ref. No: 00-0053

Dear Mr. Brown:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask whether a shipment intended for international transportation qualifies for domestic exceptions from the HMR. In addition, you asked whether a shipment being prepared for transportation by highway in Mexico for delivery to the US may take advantage of the exceptions in the HMR prior to entering the US.

A shipment being prepared for transportation by highway in the US for delivery to a foreign destination may take advantage of any domestic exceptions including domestic proper shipping names and placarding. This is true regardless of the destination. However, when preparing a shipment of hazardous materials in a foreign country, it must comply with that country's regulations. A shipment qualifies for the exceptions from the HMR only after entering the US.

I hope this information is helpful.

Sincerely,

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



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IN REPLY REFER TO
WRC-HMS

00-0053

Research and Special Programs Administration
Office of Hazardous Materials Standards DHM-10
400 7th Street, S.W.
Washington, D.C. 20590

Ref: Clarification letter dated February 25, 1997, sent to Mr.
Keith R. McCann of T and P Trucking, Ltd, copy attached.

The referenced letter dealt with the domestic exception for placarding of Class 9 material. The clarification letter states in part that even international shipments may be eligible for the placarding exception granted by 172.504(f)(9) when being transported within the United States.

This office is requesting a further clarification concerning the applicability of the exceptions granted in 49 CFR Parts 100-185 for domestic transportation. There is some confusion as to whether shipments entering or leaving the United States into Mexico can be treated as domestic or international shipments. The clarification of this issue will assist the border inspection activities of our inspectors and our State partners.

In order that we may communicate more clearly the requirements that we want clarified we pose the following questions:

Q-1 May a shipment being prepared for transportation by highway in the United States for delivery to Mexico in accordance with 49 CFR Parts 100-185 take advantage of all domestic exceptions including domestic proper shipping names and placarding?

NA
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Q-2 Would the same hold true for shipments transported by highway through Mexico to other countries of Central and South America?

Q-3 May a shipment being prepared for transportation by highway in Mexico for delivery to the United States in accordance with 49 CFR Parts 100-185 take advantage of all domestic exceptions including domestic proper shipping names and placarding prior to entering U.S. territory? What about once the shipment has entered the United States? Once these shipments have entered the U.S. Customs compound are they now eligible for all the domestic exceptions.

Q-4 would the same answer for Q-3 hold true for shipments made by the Maquiladoras?

Q-5 Would the same answer to Q-3 hold true for shipments by highway from other countries of Central and South America?

Sincerely yours,

Robert J. Brown, Jr.
Hazardous Materials Specialist