



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

AUG 05 2013

Mr. Andrew Peterson
EHS Assurance Manager
1 Cyclotron Road
Berkeley, CA 94720

Ref. No.: 13-0142

Dear Mr. Peterson:

This is in response to your June 24, 2013 letter regarding the Materials of Trade (MOTs) exception of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). You state that as part of the normal operations of the Lawrence Berkeley National Laboratory (LBNL), trade workers, scientists, researchers, and support staff transport small quantities of hazardous materials (flammable liquids, flammable solvents, biological samples, and compressed gases) in motor vehicles to various locations both on and off LBNL property to conduct some aspect of their work. You ask whether such transportation is eligible for the MOTs exceptions of § 173.6.

The answer is yes. Section 171.8 provides three definitions of MOTs. One definition is a hazardous material, other than a hazardous waste, that is carried on a motor vehicle by a private carrier in direct support of a business that is other than transportation by motor vehicle. The transportation operations conducted by LBNL personnel described in your letter meet this definition. Provided all conditions of § 173.6 are met, the MOTs exception may be applied.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

June 24, 2013

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Babich
§ 173.6
§ 171.1
MOT Exceptions
13-0142

Dear Madam or Sir,

Lawrence Berkeley National Laboratory (LBNL) is a contractor operated by the University of California under contract to the U.S. Department of Energy (DOE). Under the contract between the University of California and DOE, LBNL is required to comply with the Department of Transportation's regulations for transporting hazardous materials.

As part of LBNL's normal operations, we have trade workers, researchers and support staff who need to transport small quantities of hazardous materials (within limits documented in 49 CFR, Section 173.6), such as flammable solvents, biological samples, and compressed gases, in vehicles to various buildings and field locations both on and off LBNL's property to perform some aspect of their work. Trades and craft workers for example transport small quantities of hazardous materials commonly used in their trade (such as landscapers transporting extra gasoline for power tools or pesticides to a job site for the day to conduct their business). Scientist and researchers need to periodically transport research items containing hazardous materials to a given field locations to conduct experiments, collect samples or evaluate environmental conditions for example. In some cases a scientist may require support staff to transport hazardous materials from one field location to another on behalf of the scientists.

A question has arisen about applicability of the materials of trade exception to our operations. LBNL believes the materials of trade exception applies to our operations and are seeking clarification. Does the material of trade exception cover the types of operations we have described above? Does materials of trade exception apply to support staff, of a given research team, transporting hazardous materials on behalf of a scientist or researcher, to and from field locations?

Thank you for your response.



Andrew Peterson
EHS Assurance Manager
1 Cyclotron Road
Berkeley, CA. 94720
510-495-8128
afpeterson@lbl.gov