



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

MAR 19 2015

Ms. Joanne Kittridge
Midwest Veterinary Supply, Inc.
21467 Holyoke Avenue
Lakeview, MN 55044

Ref. No. 14-0115

Dear Ms. Kittridge:

This is a response to your May 22, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to the materials of trade (MOTs) exception under § 173.6. We apologize for the delay in responding and any inconvenience this may have caused. In your email, you describe delivering hazardous materials (hazmat) products, such as ORM-D products both between your company's warehouse facilities and to veterinary clinics using your company's vehicles and drivers. Specifically, you request clarification on whether the products, which are not for company use, are eligible to be transported under the MOTs exception.

The answer is yes. Under the HMR, one of the defining conditions for a MOT is that it is a hazardous material, other than a hazardous waste, transported by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. If a wholesale business uses its own vehicles and driver(s) to transport goods to and from customer locations or their warehouses, then the MOTs exception in § 173.6 may be utilized if the quantity limitations in § 173.6(a) are not exceeded and the aggregate gross weight of all MOTs on a motor vehicle is not more than 200 kg (440 pounds). Note, however, that if the wholesale company hires a motor carrier to transport goods to and from customer locations, the MOTs exception does not apply.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

Dirk Der Kinderen
Acting Chief, Standards Development
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

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173.6

From: INFOCNTR (PHMSA)
Sent: Monday, June 16, 2014 11:08 AM
To: Hazmat Interps
Subject: FW: Request for Interpretation Letter

14-0115

It looks like this letter is missing from the Interps database. -Victoria

From: INFOCNTR (PHMSA)
Sent: Thursday, May 22, 2014 5:05 PM
To: Drakeford, Carolyn (PHMSA)
Cc: INFOCNTR (PHMSA)
Subject: FW: Request for Interpretation Letter

Hi Carolyn,

We received the following request for a letter of interpretation. Please let us know if you have any questions.

Thanks.

-Adam

From: Joanne Kittridge [<mailto:Joanne.Kittridge@midwestvet.net>]
Sent: Thursday, May 22, 2014 11:42 AM
To: INFOCNTR (PHMSA)
Subject: Request for Interpretation Letter

Good Afternoon,

Midwest Veterinary Supply, Inc. is a Wholesale Distributor of Veterinary Supplies and devices as well as OTC Drugs and Controlled Substances. We have warehouse facilities in Minnesota, Iowa, Indiana, Wisconsin, Pennsylvania and Texas. We have company vehicles and drivers employed by Midwest Veterinary Supply that deliver smaller quantities of Hazardous Materials between our warehouse facilities as well as deliver to Veterinary clinics. The main product we deliver is Isopropyl Alcohol. We also deliver several ORM-D products. All of the products we deliver would appear to fall under Title 49 CFR, Materials of Trade. The confusion we are facing is conflicting information as to whether or not Title 49 CFR, Materials of Trade would apply to our business model. We have been told that it would not apply as the product we are delivering are not for our own company use. Others have said that it does apply based on what Hazardous Materials Qualify as MOT's.

Could you please issue Midwest Veterinary Supply a letter of Interpretation on this matter?

Thank you,

Joanne Kittridge
Compliance Specialist
Midwest Veterinary Supply, Inc.
21467 Holyoke Avenue
Lakeville, MN 55044
Joanne.kittridge@midwestvet.net

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