



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

MAY 19 2016

Mr. Jason Miller  
HSE Manager  
Pine  
10635 Richmond Avenue, #100  
Houston, TX 77042

Ref. No. 16-0025

Dear Mr. Miller:

This letter is in response to your February 8, 2016 email requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to Materials of Trade (MOTs). Specifically, you state your company transports compressed Division 2.1 (flammable) or 2.2 (non-flammable) gas in lecture-size cylinders that vary in size but usually measure 11 inches in length and 3 inches in width, weigh approximately 0.5 to 3 pounds each, and have an internal pressure that can be up to 2,200 pounds per square inch (psi). You further explain that these cylinders are used in measuring equipment that your company sells and rents. We have paraphrased your questions and answered in the order you provided.

- Q1. If employees transport one or two of the previously-described lecture cylinders in company-owned vehicles and deliver them to a customer, do the MOTs regulations apply?
- A1. The answer is yes, provided the shipment complies with the applicable provisions in § 173.6.
- Q2. If the answer to Q1 is yes, is the company excepted from the following when shipping these cylinders: creating shipping papers, using hazmat labels and placards, and training employees?
- A2. Motor vehicle carriers transporting MOTs are excepted from having to comply with the shipping paper requirements prescribed in 49 CFR Part 172, Subpart C; and the placarding requirements prescribed in 49 CFR Part 172, Subpart F. Carriers are also excepted from the training requirements prescribed in 49 CFR Part 172, Subpart H, provided they are informed of the presence of the hazardous material on the vehicle and the requirements contained in § 173.6. Each MOTs cylinder must be marked and labeled as prescribed in the HMR for the hazardous material it contains (see § 173.6(c)(3)).

- Q3. If the company continues to use its own employees and vehicles to transport these cylinders, at what point would it be necessary to train employees, use shipping papers, and apply hazmat labels and placards?
- A3. Your company would need to comply with the hazmat training, shipping paper, marking, labeling, and placarding requirements for those cylinders that do not comply with the MOTs provisions in § 173.6. For example, cylinders that 1) have a gross weight of over 100 kg (220 pounds), 2) cause the aggregate gross weight of cylinders on a motor vehicle to exceed 200 kg (440 pounds) (see § 173.6(a)(2) and (d)), or 3) that do not comply with packaging requirements for cylinders prescribed in § 173.6(b) do not qualify for the MOTs exception.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, reading "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the right.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

Edmonson  
173.1  
Material of Trade  
16-0025

**Goodall, Shante CTR (PHMSA)**

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**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Monday, February 08, 2016 3:09 PM  
**To:** Hazmat Interps  
**Subject:** FW: Letter of Interpretation - Materials of Trade

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation. I spoke with Mr. Miller.

Thanks,  
Shelby

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**From:** Jason Miller [<mailto:jlmiller@pine-environmental.com>]  
**Sent:** Monday, February 08, 2016 10:19 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** Letter of Interpretation - Materials of Trade

PHMSA,

Please can you provide a letter of interpretation on the following situation?

We at Pine sell and rent measuring equipment that can also utilize compressed gases in lecture size bottles usually with a 2.1 Flammable or 2.2 Non-Flammable gas. The lecture size bottles can vary slightly in sizes but are usually 11" x 3" in length and width, Pressure can be up to 2200 PSI and weigh around 0.5 – 3lbs each.

My questions are as follows,

- 1) If we personally deliver one or two of these lecture cylinders in our company vehicle to a customer does the Material of Trade (MOT) apply?
- 2) If so, does this mean we're exempt from placarding, outer package labelling, shipping papers and training?
- 3) At what point would we need to have placards, shipping papers and training if we personally (in the course of business in a company vehicle) delivered the cylinders?

Regards

Jason Miller  
HSE Manager



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