



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

SEP 25 2009

Mr. David O. Jones
Certispec Services USA, Inc.
1448 Texas Avenue
Texas City, Texas 77590

Ref. No.: 09-0195

Dear Mr. Jones:

This responds to your letter dated August 7, 2009, regarding the applicability of the Material of Trade (MOTs) definition and exceptions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to “samples” transported for purposes of testing.

You said that your company is a “cargo inspection and testing company” whose principal business is to provide surveying and testing services on petroleum and environmental samples. According to your letter, the samples consist of hazardous materials in 1-quart size containers, transported partially on public roads from one of your customer’s facilities to another, for purposes of testing. The samples are transported in a company-owned vehicle containing approximately four or five quarts in one shipment. You ask whether the hazardous materials you use to perform the testing and analyses may be considered MOTs.

The answer is yes. The definition for MOTs includes hazardous materials transported by a private carrier in direct support of a principal business that is other than transportation by motor vehicle (highway). Your principal business is testing and analyzing products for your customers using a small amount of hazardous materials in the process. In accordance with § 173.6, materials meeting the definition of any of the hazard classes listed in § 173.6(a) may be transported as MOTs provided all the conditions specified in § 173.6 are met.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Charles E. Betts
Chief, Standards Division
Office of Hazardous Materials Standards



**Certispec
Services USA, Inc.**

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August 7, 2009

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

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§173.6
§171.1
MOT
09-0195

Dear Sir or Madam,

We are requesting your response on the application of the Materials of Trade (MOT) exception in 49CFR 171.8 and 173.6, with respect to the sample transport services that we provide to one of our customers.

The samples consist of hazardous materials (Class I, Class II and Class III) of 1 quart size that we are transporting, partially on public roadways, from one of our customer's facilities to another, for the purpose of testing. The samples are transported using our company-owned vehicle, and never amount to more than four or five quarts at one time.

We are a cargo inspection and testing company, established in Texas in 2005. Our SIC Codes are 4785 and 8734. Our principal business is cargo surveying of various commodities, and testing services on petroleum and environmental samples. The sample transport services that are the subject of this letter, do not amount to more than 10% of our overall business activities.

We should like to know whether these sample transport services meet the MOT exception under the 49CFR regulations 171.8 and 173.6. Thank you in advance for your assistance in this matter. Please call me at 409-945-3338 if you have any questions.

Sincerely yours,
CERTISPEC SERVICES USA, INC.


David Jones
Regional Manager

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