



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

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

MAR 10 2010

Ms. Erin N. Jarmin  
Environmental Scientist  
URS Corporation  
1600 Perimeter Park Drive, Suite 400  
Morrisville, NC 27560

Ref. No. 10-0030

Dear Ms. Jarman:

This responds to your February 3, 2010 letter concerning the exceptions for ORM-D materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). According to your letter, a distribution facility offers for transportation automotive parts, classed as ORM-D materials and unitized, to a contract carrier whose specialized service is the transport and delivery of automotive parts to car dealerships. You ask whether the distribution facility may take advantage of the exceptions for ORM-D materials provided in § 173.156(b)(1) if the materials are transported to multiple destinations as part of one shipment.

The answer is yes. In accordance with § 173.156(b)(1), ORM-D materials are excepted from the requirements of the HMR when: (1) unitized in cages, carts, boxes, or similar overpacks; (2) offered for transportation or transported by rail, private or contract motor carrier; or common carrier in a vehicle under exclusive use for such service; and (3) transported to or from a manufacturer, a distribution center, and a retail outlet, or transported to a disposal facility from one offeror. Thus, so long as the automotive parts (i.e., the ORM-D materials) remain unitized throughout the shipment to the car dealerships, the distribution facility offering the ORM-D materials to a contract carrier may use the exceptions provided in § 173.156(b)(1).

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

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



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§ 173.156(b)  
Exception for ORM  
Materials  
10-0030

February 3, 2010

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Dear Mr. Mazzullo:

I am writing to you with regards to the applicability of the exceptions for ORM materials found in 49 CFR §173.156. Specifically, the language in 49 CFR §173.156(b) states the following:

"In addition to other exceptions specified for ORM-D materials in this part: Strong outer packagings as specified in this part, marking requirements specified in subpart D of part 172 of this subchapter, and the 30 kg (66 pounds) gross weight limitation are not required for materials classed as ORM-D when -

- (i) Unitized in cages, carts, boxes or similar overpacks;
- (ii) Offered for transportation of transported by:
  - (A) Rail;
  - (B) Private or contract motor carrier; or
  - (C) Common carrier in a vehicle under exclusive use for such service; and
- (iii) Transported to or from a manufacturer, a distribution center, and a retail outlet..."

In the scenario in question, automotive parts which have been classed as ORM-D are unitized in cages, carts, boxes or similar overpacks. These unitized parts are then offered to a private, contracted carrier whose sole function is delivering automotive parts to various automotive dealerships which are located within close proximity to one another. These dealerships are separate business entities and share nothing in common from a business standpoint other than the fact that they use the same or similar automotive parts classed as ORM-D which are delivered to them from the same distribution facility by the same private, contracted carrier.

My question is as follows:

Under the scenario presented above, would these automotive parts be eligible for the exceptions for ORM-D found in 49 CFR §173.156 even though the private, contracted carrier delivering them has automotive parts for other dealerships loaded on their vehicle and is delivering them at the same time as part of the same delivery run?

Thank you in advance for your assistance. I look forward to your response.

Sincerely,

Erin N. Jarman  
Environmental Scientist  
URS Corporation  
1600 Perimeter Park Drive, Suite 400  
Morrisville, NC 27560  
Tel: 919-461-1478  
Erin\_Jarman@urscorp.com