



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

NOV 16 2011

Mr. Daniel J. VenRoy
14564 - 84th Ave.
Coopersville, MI 49404

Ref. No. 10-0217

Dear Mr. VenRoy:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the private transportation of explosives on a public highway. Specifically, you ask if you are subject to the HMR and must also obtain a Hazardous Material Endorsement on a Commercial Driver License (CDL) when transporting such explosives from the point of purchase to your farm. I apologize for the delay in responding and any inconvenience it may have caused.

The answer to both of your questions is dependent upon whether the purchased explosives are being transported on a public highway in furtherance of a commercial enterprise (e.g., a for-profit agricultural operation). As specified in § 171.1, the HMR govern the transportation of hazardous materials in intrastate, interstate, and foreign commerce. The term "in commerce" means in furtherance of a commercial enterprise. Hazardous materials that are purchased and transported to support a commercial enterprise are fully subject to the HMR. Further, a Hazardous Material Endorsement is required on a CDL when the placarding of a transport vehicle is required by the HMR as prescribed in the Federal Motor Carrier Safety Regulations (FMCSRs) at 49 CFR 383.93. Accordingly, hazardous materials that are sold for personal, non-commercial use and transported by such persons in their personal vehicles are not subject to the HMR.

Please note that whether or not you are subject to the HMR or FMCSRs, there may be other Federal, state, and local standards or regulations governing the purchase, movement, and storage of explosives intended for non-commercial use on private property.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

September 23, 2010

Daniel J. VenRoy
14564 - 84th Ave
Coopersville, Mi. 49404

Stevens
§ 171.1
§ 171.2
§ 173.56
Applicability
10-0217

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

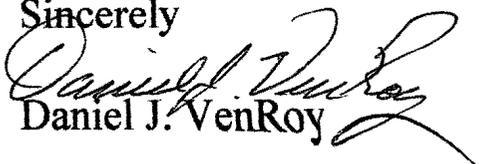
Dear Sir:

I am a retired Sheriff's Deputy and own a blueberry farm in Coopersville, Mi. I have constructed an ATF approved Type-I magazine to store high explosives and I am currently waiting for my ATF license to arrive.

I have received conflicting answers on the transportation of explosives. I want to purchase dynamite for my own use from the Dyno Nobel Company but I have to transport it in my pick up truck about 200 miles. First, I would like to know what safeguards I need to take besides an ATF approved "Day Box" mounted in my truck bed. What, if any, additional equipment or identifying labels do I need? Also, do I have to have a CDL endorsement on my driver's license?

I will not be making any kind of deliveries nor will I be diverting from the most direct route there and home. Any information you can provide would be most appreciated.

Sincerely


Daniel J. VenRoy