



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

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

JAN 18 2011

Mr. Michael Ritchie  
Hazardous Materials Specialist  
Minnesota Department of Transportation  
Office of Freight & Commercial Vehicle Operations  
395 John Ireland Boulevard, Mail Stop 460  
St. Paul, MN 55155-1899

Ref. No. 10-0265

Dear Mr. Ritchie:

This responds to your December 21, 2010 email requesting clarification on the materials of trade (MOT) exception defined in § 171.8 and specified in § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are restated and answered as follows:

- Q1.) May a carrier transport 200 kg of MOT on each vehicle of a truck and trailer combination, or is the transport as a MOT restricted to 200 kg for the combination?
- A1.) The aggregate gross weight of 440 pounds (200 kg) as described in § 173.6(d) is that of the MOT located on the entire motor vehicle, which as defined in § 171.8 is a vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. As such, the gross weight of all MOT in the tractor and trailer(s) attached to a tractor may not exceed 440 pounds (200 kg).
- Q2.) May a vehicle transport both MOT and other fully regulated hazardous materials?
- A2.) The answer to your question is yes. As indicated in §173.6(e) a MOT may be transported on a motor vehicle with other hazardous materials without affecting its eligibility for exceptions provided by §173.6. The fully regulated hazardous materials must comply with all applicable HMR requirements.
- Q3.) If a vehicle transports 200 kg of MOT, and other non-bulk Table 2 hazardous materials exceeding the 200 kg limit or otherwise ineligible for the MOT exception, when is placarding of the vehicle required?

A3.) A vehicle containing a maximum aggregate gross weight of 440 pounds (200 kg) of MOT and non-bulk shipments of other hazardous materials listed in § 172.504 Table 1 or 2 may be placarded as if the MOT were not on the vehicle. For example, if 1,441 pounds of hazardous materials which, other than exceeding the 440-pound weight restriction, meet the requirements of the MOT exception are transported by motor vehicle, the first 440 pounds may be transported under the exception; the remaining 1001 pounds is subject to the HMR, as applicable, e.g., placarding, labeling, marking, etc.

I hope this answers your inquiry. If you need additional assistance, please contact this office at 202-366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Supko", with a long horizontal flourish extending to the right.

Ben Supko  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division

**Supko, Ben (PHMSA)**

Winter  
§ 171.8  
§ 173.6

**From:** Ritchie, Mike (DOT) [Michael.Ritchie@state.mn.us]  
**Sent:** Tuesday, December 21, 2010 10:49 AM  
**To:** Supko, Ben (PHMSA)  
**Subject:** Materials of Trade

Definitions / MOT  
10-0265

Ben Supko  
Acting Chief, Standards Development  
Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration

Mr. Supko,

A private carrier transports Division 2.1 and 2.2 gases in non-bulk cylinders in conformance with the materials of trade definition in 49 CFR 171.8, and the conditions and exceptions found in §173.6. The cylinders meet the requirements of §173.6 (a) (2) for size and weight, and § 173.6 (b) (5) for packaging, qualification, and maintenance.

Paragraph 173.6 (d) states that the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg. Motor vehicle is defined in §171.8 and includes vehicles, tractors, trailers, semitrailers or any combination thereof.

May a carrier transport 220 kg of materials of trade on each vehicle of a truck and trailer combination, or is the transport as a material of trade restricted to 220 kg for the combination?

When traveling to remote job sites, the private carrier may transport extra cylinders, and those cylinders will exceed the 200 kg aggregate gross weight limit for materials of trade. All cylinders over the 200 kg materials of trade limit are documented with hazardous materials shipping papers, and are transported as required for fully regulated hazardous materials packages.

May a vehicle transport both materials of trade and other fully regulated hazardous materials?

If a vehicle transports 220 kg of materials of trade, and other non-bulk Table 2 hazardous materials exceeding the 220 kg limit or otherwise ineligible for the materials of trade exception, when is placarding of the vehicle required?

Sincerely,

Michael Ritchie  
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Minnesota Department of Transportation  
Office of Freight & Commercial Vehicle Operations  
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