



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

NOV 21 2011

Mr. Kevin Marrow  
DENTSPLY International, Caulk Division  
38 West Clarke Avenue  
Milford, DE 19963

Reference No.: 11-0245

Dear Mr. Marrow:

This responds to your September 14, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180) applicable to the use of the Materials of Trade (MOTs) exception provided in § 173.6. In your letter, you state that you are a manufacturer of equipment and supplies used by dentists, and that your equipment and supplies use raw materials that require quality control testing. You ask if the MOTs exception would apply to small samples of these raw materials transported between your manufacturing plants on public roads in support of your business.

Provided the raw materials you are transporting are in a hazard class and quantity that are allowed by § 173.6, the answer is yes, you would be allowed to transport the raw materials as MOTs. Section 173.6 contains specific provisions for certain hazardous materials meeting the definition of MOTs, as defined in § 171.8. MOTs that are being transported by private motor vehicle are not subject to any other requirements of the HMR except those set forth or referenced in § 173.6.

I hope 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

Andrews  
§173.6  
MOT

Drakeford, Carolyn (PHMSA)

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, October 05, 2011 4:57 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Please Provide a Formal Letter of Interpretation - Materials of Trade

11-0245

Hi Carolyn,

It looks like this letter also needs to be assigned.

Thanks,  
Victoria

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, September 14, 2011 5:37 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Please Provide a Formal Letter of Interpretation - Materials of Trade

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,  
Victoria

Victoria Lehman  
Hazmat Information Center (HMIC)  
<http://phmsa.dot.gov/hazmat/info-center>  
(202) 366-1035

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**From:** Marrow, Kevin [<mailto:Kevin.Marrow@dentsply.com>]  
**Sent:** Wednesday, September 14, 2011 2:18 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Please Provide a Formal Letter of Interpretation - Materials of Trade

DENTSPLY Caulk is a manufacturer of equipment and supplies used by dentist. These equipment and supplies we manufacture are classified by the Food and Drug administration as medical devices and pharmaceuticals products. With such a classification, all the **raw materials** (e.g. phenol, sodium hydroxide 50%, sodium fluoride, methanol, formaldehyde, etc.) we used to manufacture these equipment and supplies have to go through quality control testing. **Small samples** of these raw materials have to be pulled and transported between our plants on public roads to reach the applicable quality control laboratory. Provided these small samples meet the quantity limitations given in 49 CFR 173.6, are we permitted to transport these small samples between our plants as **Materials of Trade**. Please note that quality control testing of our raw materials is required to support manufacturing operations (principle business) but does not meet the classic example of transporting paint to support a painting service or transporting gasoline to support a lawn care business as given in the Materials of Trade definition, subparagraph (1) (49 CFR 178.8). If you have specific questions, please do not hesitate to contact me at 302-393-3395. We look forward to your response.

Regards,