



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

SEP 29 1999

Ms. Michele A. Giusiana  
The Boeing Company  
P.O. Box 3707, MC 13-08  
Seattle, WA. 98124-2207

Ref. No.99-0202

Dear Ms. Giusiana:

This is in response to your letter concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to government contract employees moving hazardous materials on private property.

You are correct in your understanding that hazardous materials moved entirely on private property on roads which do not have public access are not considered in transportation and are not regulated by the HMR. Section 171.1(b) states that persons under contract with local, state and Federal agencies are subject to the HMR. The letters of clarification from our office, which you included with your request (Bonekemper to Williams, 4/26/93 and Kaleta to Denny, 4/23/91), state that shipments are not in commerce unless they move across or along roads to which the public has access.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



990202

172,10162



**HAZMATEAM, INC.**

12 Kimball Hill Rd.  
Hudson, NH 03051-3915  
Telephone (603) 882-6247  
Fax (603) 882-6512

E-Mail: [hazmateam@earthlink.net](mailto:hazmateam@earthlink.net)

Web Site: <http://home.earthlink.net/~hazmateam>

Nelson  
§ 172.101(b)  
cc 172.101(c)(12)  
99-0225

8/20/99

Hattie L. Mitchel, Chief  
Exemptions and Regulations Terminations  
Office of Haz Mat Standards  
400 7th St. SW  
Washington, DC 20590

Dear Hattie:

Q1

Under HM 215C toluene diisocyanate (TDI) has been updated to include + in column one of the 171.101 table.

I understand this is a signal that a shipper is not to change this shipping name even when in a mixture<sup>1</sup>. Is this true?

The discussion in HM215C in regards to epichlorohydrin appears to me to state that this is not the case. I find this confusing and conflicting with 172.101(b)(1).

Q2

If TDI is mixed into adhesives as part of a formula that ends up as a flammable mixture<sup>2</sup> would I be required to use the name toluene diisocyanate or could I use the shipping name adhesives<sup>3</sup>?

We would like a written answer. Thank you once again for your expertise.

Sincerely

Leo Traverse

<sup>1</sup> 172.101(b)(1)

<sup>2</sup> No longer poison based upon %

<sup>3</sup> Assuming it is a flammable liquid after formulation