

Mar 6, 2003

Mr. Leo Malatesta
DeAngelo Brothers Incorporated
100 N. Conahan Drive
Hazelton, PA 18201

Reference No. 02-0076

Dear Mr. Malatesta:

This responds to your letter regarding the Materials of Trade (MOTS) and the Class 9 placarding exceptions for Class 9 materials shipped under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We apologize for the delay in responding and hope it has not caused any inconvenience.

You stated that your company is a private carrier of Class 9 materials for domestic end-use transportation only, which may include bulk packaging. The material is described as "Other regulated substances, liquid, n.o.s., 9, NA 3082, III," and may be shipped in a reportable quantity (RQ). You asked using either the MOTS or placarding exceptions for Class 9 materials, can a Class 9 material be transported without displaying the CLASS 9 placards?

The answer is yes. By definition, MOTS include a hazardous material that is transported by a private carrier in direct support of its principal business which may not be transportation by motor vehicle. A Class 9 material of not more than 1500 L (400 gallons) for a diluted mixture, not to exceed 2% concentration, may be shipped under the MOTS exception. A bulk packaging containing a diluted mixture of a Class 9 material must be marked on two opposing sides with the identification number of the material. The identification number may be displayed on placards, orange panels, or on a white square-on-point configuration. A hazardous material (e.g., Class 9) shipped under the MOTS exception is not subject to any other requirements, including placarding, when transported by motor vehicle if all the conditions of § 173.6 are met.

For domestic transportation, A CLASS 9 placard is not required on a transport vehicle containing a Class 9 material. However, a bulk packaging containing a Class 9 material must be marked with the appropriate identification number displayed either on a CLASS 9 placard, an orange panel or a white square-on-point display configuration. For a Class 9 material shipped in a quantity which equals or exceeds a RQ of a hazardous substance, the shipping paper and a non-bulk packaging must contain the letters "RQ". (See §§ 172.203(c), § 172.324, 172.332 and 172.504(f)(9)).

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

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

173.6