



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

JUN 15 2006

Mr. Gary Maxwell
Target Specialty Products
15415 Marquardt Avenue
Santa Fe Springs, CA 90670-5711

Ref. No.: 06-0090

Dear Mr. Maxwell:

This is in response to your April 13, 2006 letter regarding the Materials of Trade exception under § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a hazardous material transported under the Materials of Trade exception may be transported (when originally packaged in combination packaging) without the strong outer packaging provided by the manufacturer.

The answer is yes. Under § 173.6(b)(3) outer packagings are not required for receptacles (e.g., cans and bottles) that are secured against shifting in cages, carts, bins, boxes or compartments. A cylinder or other pressure vessel (e.g., an aerosol can) containing a Division 2.1 or 2.2 material must conform to packaging, qualification, maintenance, and use requirements of this subchapter, except that outer packagings are not required. Packaging for materials of trade must be the manufacturer's original packaging or a packaging of equal or greater strength and integrity.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060090

171.8
173.6(b)(3)



SPECIALTY PRODUCTS

Pollack
§ 171.8 (3)
§ 173.6
MOT
06-0090

April 13, 2006

Director, Office of Hazardous Materials Standards
Mr. Edward T. Mazzullo
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Dear Mr. Mazzullo,

Section 171.8 (3) describes a Material of Trade as a hazardous material, other than a hazardous waste, that is carried on a motor vehicle—(3) by a private motor carrier (including vehicles operated by a rail carrier) in direct support of a principal business that is other than transportation by motor vehicle.

Target Specialty Products, USDOT 501011, is a wholesale distributor of pest management products. Often times our customers will request small quantities, which require us to remove the product from the original POP container.

As a wholesale distributor, do we meet the definition of 171.8 (3) when we deliver small quantities to our customers? We are a private motor carrier delivering our own products in direct support of our principal business, wholesale distribution. We understand that we are also required to comply with section 173.6. Your written interpretation of 171.8 (3) will be very helpful to Target Specialty Products' understanding of our eligibility to take advantage of the Materials of Trade Exemption. Thank you for any help that you can provide.

Sincerely,

A handwritten signature in black ink that reads "Gary Maxwell". The signature is written in a cursive style and is positioned above the typed name.

Gary Maxwell
V.P. Regulatory Affairs
15415 Marquardt Avenue