

Minnesota Commercial Truck and Passenger Regulations Fact Sheet

Materials of Trade

A Material of Trade (MOT) is a Hazardous Material (HM), other than a hazardous waste, that is carried on a motor vehicle:

- For the purpose of protecting the health and safety of the vehicle operator or passengers (e.g., self-contained breathing apparatus, oxygen cylinders, or insecticide);
- For the purpose of supporting the operation or maintenance of a motor vehicle including its auxiliary equipment (e.g., engine starting fluid or spare wet batteries carried on a tow truck); or
- By a **private motor carrier**, including a vehicle operated by a rail carrier, in direct support of a principal business that is other than transportation by motor vehicle (e.g., landscaping, plumbing, or welding services).

The MOT exceptions apply to both interstate and intrastate carriers. A HM transported **in full compliance** with the MOT exception is not subject to any other requirements of the Hazardous Materials Regulations (HMR). The USDOT Federal Motor Carrier Safety Regulations require interstate MOT carriers operating vehicles or combinations of vehicles with gross vehicle weight rating exceeding 10,000 pounds, to maintain insurance in the amounts specified in 49 CFR 387.9.

MOT Hazard Communication Requirements

Non-bulk liquid or solid HM packaged as MOT must be marked with the proper DOT shipping name or the common name of the material including the letters “RQ” if the package contains a reportable quantity of a hazardous substance. Compressed gas cylinders must be marked and labeled as required in the HMR. A MOT that is properly classed, packaged, and transported, does not require shipping papers, emergency response information, package labeling (except cylinders of compressed gases), or placarding of vehicles. Also, drivers of MOT materials don't have to meet HM employee training requirements as found in 49 CFR, Part 172, Subpart H, or other highway transportation requirements as found in 49 CFR, Part 177.

MOT's are restricted to the following hazard classes or divisions:

- Hazard Classes 3 (flammable liquids), 8 (corrosives), 9 (miscellaneous hazardous material), and ORM-D (Consumer Commodities); and
- Hazard Divisions 2.1 (flammable gases), 2.2 (nonflammable gases), 4.1 (flammable solids), 5.1 (oxidizers), 5.2 (organic peroxides), 6.1 (poison liquids or solids), 6.2, (other than Category A infectious substances) including biological products, and regulated medical waste.

Note: *HM that is self-reactive or poisonous by inhalation is **specifically excluded** from the MOT provisions. Check the HM regulations to confirm that a particular product is authorized as a MOT.*

MOT Packaging Requirements

Packages of MOT must be leak tight, sift proof, closed, and secured in the vehicle against movement and damage. The package should be the original manufacturer's package, or one of equal or greater strength.

Materials of trade are restricted to the following package sizes based on packing groups:

- Packing Group I: packaging not over 0.5 kg (1 pound) or 0.5 L (1 pint); and
- Packing Groups II or III, and ORM-D: packaging not over 30 kg (66 pounds) or 30 L (8 gallons).

Cylinders of compressed gas must be no larger than 100 kg (220 pounds) gross weight each, and must conform to the qualification and use requirements of the HMR. Gasoline transported as MOT must be packaged in metal or plastic containers of 8 gallons or less capacity that meet either the UN packaging standards or OSHA requirements. Persons transporting Division 6.2 materials as MOT should consult the specific packaging authorizations in 49 CFR 173.6 (a) (4).

MOT Weight Limits

No more than 200 kg (440 pounds) aggregate gross weight of MOT may be transported on a single vehicle (e.g., a tow truck driver could carry a 150 pound cylinder of division 2.1 acetylene and a 150 pound cylinder of 2.2 oxygen, two 8 gallon cans of gasoline weighing 60 pounds each and 20 pound battery and use the MOT exception).

MOT in Bulk Packaging

One type of bulk packaging may be transported as a MOT. A tank with a capacity of 1500 L (400 gallons) or less and containing a Class 9 HM in a dilute mixture not exceeding a 2% concentration may be transported as a MOT. This exception is designed to allow Class 9 pesticides or herbicides that would qualify for the MOT exception in a small package, to be mixed with water in small cargo or portable tanks and moved as a material of trade. These bulk packages must be marked on two opposite sides with the ID number of the material on placards, orange panels or white square-on-point devices as required in 49 CFR 172.332 (b) and (c).

MOT Training Requirements

Drivers transporting MOT must be aware of the presence of MOT in their vehicle, must be informed of the requirements of the MOT rule, and be able to identify the HM to truck inspectors or emergency response personnel as materials of trade.

MOT and Very Small Quantity Generator Waste

Manifested hazardous waste may not be transported as a MOT. The Office of Freight & Commercial Vehicle Services received a written interpretation from USDOT stating that wastes not subject to the Uniform Hazardous Waste Manifest requirements may be carried as MOT if the waste is an allowed hazard class or division, and is packaged, marked, secured, and transported in conformance with the requirements of 49 CFR, Part 173.6.

MOT in Test Kits

Many electric utilities and used-oil haulers use test kits containing very small quantities of Division 4.3, Dangerous When Wet materials. Division 4.3 Packing Group II or III materials in packaging having a gross capacity not exceeding 30 ml (1 ounce) are authorized as MOT.

Compliance with MOT Exceptions

All of the requirements found in the MOT exceptions must be met; otherwise a driver/transporter ***will become subject to all applicable USDOT HMR*** if they fail to comply with any of the MOT exceptions.

This Fact Sheet is intended as a resource. It is not intended to explain all the requirements of Minnesota or Federal law or regulations. For additional assistance contact the US DOT Pipeline and Hazardous Materials Safety Administration at 800-467-4922 or <http://www.phmsa.dot.gov/hazmat>, the Federal Motor Carrier Safety Administration at 651-291-6150 or <http://www.fmcsa.dot.gov>, or Mn/DOT's Office of Freight and Commercial Vehicle Operations.



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