

# Minnesota Commercial Truck and Passenger Regulations

## Fact Sheet

### Materials of Trade

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Certain hazardous materials (HM) transported in small quantities as part of a business are subject to less regulation, because of the limited hazard they pose. These materials are known as Materials of Trade (MOT). MOT are HM, other than hazardous waste, that are 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.). For example; engine starting fluid or cans of gasoline; 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., landscapers, plumbers, painters or welders).



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).

**NOTE:** Although excepted from the HMR, the 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. The regulations that apply to MOT are found in 49 CFR Section 173.6. They include: General knowledge of MOT requirements, quantity limitations, packaging requirements, and marking and labeling requirements. All of the requirements found in the MOT exceptions must be met; otherwise a driver/transporter **will become subject to all applicable HMR requirements.**

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**

To be able to use the exceptions allowed for MOT, the aggregate gross weight all MOT on a motor vehicle may not exceed 200 kg (440 pounds). For example, a tow truck driver could carry a 150 pound cylinder of acetylene, a 150 pound cylinder of oxygen, two 8 gallon cans of gasoline (weighing 60 pounds each) and a 20 pound lead acid battery.

## **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 tanks or portable tanks and moved as MOT. These bulk packages must be marked on two opposite sides with the ID number of the material on either, placards, orange panels or white square-on-point devices as required in 49 CFR 172.332 (b) and (c).

## **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, transported as MOT, 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 for 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 Training Requirements**

The driver of a vehicle transporting MOT must be informed of the presence of the HM in their vehicle, and must be informed of the requirements of the MOT rule, and be able to identify the MOT to truck inspectors or emergency response personnel.

### **MOT and Very Small Quantity Generator Waste**

Manifested hazardous waste may not be transported as a MOT. MnDOT 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 Section 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.

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 [www.phmsa.dot.gov/hazmat](http://www.phmsa.dot.gov/hazmat), the Federal Motor Carrier Safety Administration at 651-291-6150 or [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov), or MnDOT's Office of Freight and Commercial Vehicle Operations at 651-215-6330.