



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 11 2019

Tom Dunaway
TDA, Inc.
502 Big Creek Drive
Delta, AL 36258

Reference No. 19-0031

Dear Mr. Dunaway:

This letter is in response to your March 11, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to registration. Specifically, you ask if a person is required to submit a hazardous materials registration and payment if they offer for transportation or transport less than 55 pounds of a Division 1.1, 1.2, or 1.3 (explosive) material.

The answer is yes, unless it is an activity of a farmer, as defined in § 171.8, that is in direct support of farming operations (see § 107.601(b)). In accordance with § 107.601(a)(6), the registration and fee requirements apply to any person who offers for transportation, or transports, in foreign, interstate or intrastate commerce a quantity of hazardous material that requires placarding, under provisions of subpart F of part 172. Subpart F of part 172 requires that any quantity of a Division 1.1, 1.2, or 1.3 (explosive) material be placarded; the registration fee applies to both a person who offers for transportation or transports any quantity of a Division 1.1, 1.2, or 1.3 (explosive) material. Being below the threshold quantity in § 107.601(a)(2) does not exclude a person from possibly being subject to the condition of § 107.601(a)(6).

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division

Meller

19-0031

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, March 15, 2019 4:39 PM
To: Hazmat Interps
Subject: FW: Interpretation request

Hello Alice and Ikeya,

Please see the letter of interpretation request below. The specialist spoke with Mr. Dunaway and referenced the Federal Register. However, Mr. Dunaway would like a written interpretation. Please contact our office with any questions.

Lynsie Patschke
Transportation Regulatory Specialist
Hazardous Materials Information Center (HMIC)

From: Tom Dunaway [mailto:tdadunaway@gmail.com]
Sent: Monday, March 11, 2019 3:32 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation request.

I am requesting an interpretation of 107.601. paragraph (a)(2) clearly states that persons must register if offering or accepting quantities of 1.1, 1.2, or 1.3 class 1 materials if they are over 55 pounds. However in paragraphs (a)(5) and (6) addresses placarded quantities of HM. If a person offers or accepts for transportation a quantity of less than 55 pounds of 1.1, 1.2, or 1.3 as stated in Paragraph (a)(2) must that person register and pay a fee?

Thank You

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