Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Addresses Question Involving Gasoline

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in an August 19th letter the application of the federal Hazardous Materials Regulations ("HMR") to:

. . . a driver transporting small quantities of gasoline for personal use in an employer's commercial vehicle.

See Reference No. 21-0049.

PHMSA was responding to a May 3rd question posed by the Wisconsin State Patrol.

PHMSA states that the request asked for clarification of several past letters of interpretation ("LOI") that were characterized as in conflict, which include:

- LOI No. 03-0223
- LOI No. 11-0007
- LOI No. 11-0306

PHMSA cites LOI No. 11-0007 as stating that:

Non-commercial transportation of hazardous materials is not subject to the HMR.

Also cited is a final PHMSA rule that had been published on October 30, 2003, which interpreted the relevant definitions and therefore LOIs after its publication better defined the meaning of the term "non-commercial" transportation under the HMR.

The August 19th letter also reiterates the transportation of a hazardous material by motor vehicle for personal use of the driver is generally not subject to requirements in the HMR.

A copy of the August 19th letter can be downloaded here.