Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Propane Cylinders

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a January 27th Interpretive Letter the application of the Hazardous Materials Regulations ("HMR") to the materials of trade ("MOTs") provisions.

PHMSA was responding to a March 28, 2025, letter from Dead River Company ("DRC").

DRC stated that its service technicians routinely carry small cylinders containing propane in commercial motor vehicles in support of their service work. The company asked whether its business operations:

- Meet the requirements of the MOTs provisions.
- Whether shipping papers would be required.

PHMSA first states that provided the service technician is only performing appliance service (i.e., is not providing delivery or the filling of propane cylinders) and a propane cylinder carried by the service technician complies with all applicable requirements of § 173.6, the propane would qualify for the MOTs provisions. Such provisions include relief from the shipping paper requirements.

DRC also asked whether propane used by a delivery driver to provide filling services to customers meet the requirements for the MOTs provisions specified in § 173.6, and is the propane in this scenario excepted from the shipping paper requirements?

PHMSA responds in the negative, stating that as described, the propane is being transported in commerce and is being delivered to the purchaser of the propane. It further states that the hazardous material is not for the purpose of protecting the health and safety of the motor vehicle operator or passengers, or for the purpose of supporting the operation or maintenance of a motor vehicle (including its auxiliary equipment). Although the transportation described is by private motor carrier, the hazardous material is not being utilized by the carrier in direct support of a principal business that is other than transportation by motor vehicle. Instead, it is being sold and delivered to a customer. Therefore, PHMSA concludes that this does not qualify for the MOTs provisions specified in § 173.6, and the shipment is subject to the full requirements of the HMR, including compliance with the shipping paper requirements.

A copy of the Interpretive Letter can be found here.