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Regulation of Transportation of Hazardous Materials for Vehicles Under 10,000 Pounds

Many water treatment businesses transport chemicals in either personally owned or company vehicles that weigh less than 10,000 pounds. The Federal requirement for financial responsibility is established in the Code of Federal Regulation, Part 49, Section 387.9. No other section regulates your company's vehicular financial responsibility requirements. That regulation clearly sets forth four (4) classes of financial responsibility. They are numbered (1), (2), (3) and (4). Classes (1), (2) and (3) each require that the vehicle in which carriage of the "hazardous material" is found must weigh more than 10,001 pounds if involved in "Interstate, Intrastate or Foreign" transportation. Most water treatment businesses do not transport chemicals across state lines.

The only governing class remaining is (4). "(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,001 pounds)." This class clearly regulates vehicles carrying hazardous materials in vehicles weighing less than 10,001 pounds. However, it only regulates them if they are involved in "Interstate or foreign commerce." Most water treatment businesses are only involved in "intra" state commerce. So, since they are not involved in either "inter" state or foreign commerce, they are not controlled by this class.

Each state may, however, have its own requirements in addition to the Federal requirements. Auto insurance coverage requirements for transporting hazardous materials in vehicles weighing less than 10,000 pounds are whatever the state determines them to be. If the state relies on 49 CFR 387.9, then compliance with minimum insurance requirements otherwise set forth by the state would suffice.

Please be advised that 49 CFR 173.6 provides a "Materials of Trade Exception" which limits the specific and aggregate weights of materials you may carry in your vehicles. For liquids it is 1500 liters or 400 gallons not to exceed two (2) percent concentration of Class 9 material. However, it has nothing to do with the amount of insurance you are required to carry or demonstration of your financial responsibility.

The table below describes the classes of hazardous materials under Federal Regulations:

§ 173.2 Hazardous materials classes and index to hazard class definitions.

The hazard class of a hazardous material is indicated either by its class (or division) number, its class name, or by the letters “ORM-D”. The following table lists class numbers, division numbers, class or division names and those sections of this subchapter which contain definitions for classifying hazardous materials, including forbidden materials.

Class No.	Division No. (if any)	Name of class or division	49 CFR reference for definitions
None		Forbidden materials	173.21
None		Forbidden explosives	173.54
1	1.1	Explosives (with a mass explosion hazard)	173.50
1	1.2	Explosives (with a projection hazard)	173.50
1	1.3	Explosives (with predominately a fire hazard)	173.50
1	1.4	Explosives (with no significant blast hazard)	173.50
1	1.5	Very insensitive explosives; blasting agents	173.50
1	1.6	Extremely insensitive detonating substances	173.50
2	2.1	Flammable gas	173.115
2	2.2	Non-flammable compressed gas	173.115
2	2.3	Poisonous gas	173.115
3		Flammable and combustible liquid	173.120
4	4.1	Flammable solid	173.124
4	4.2	Spontaneously combustible material	173.124
4	4.3	Dangerous when wet material	173.124
5	5.1	Oxidizer	173.127
5	5.2	Organic peroxide	173.128
6	6.1	Poisonous materials	173.132
6	6.2	Infectious substance (Etiologic agent)	173.134
7		Radioactive material	173.403
8		Corrosive material	173.136
9		Miscellaneous hazardous material	173.140
None		Other regulated material: ORM-D	173.144

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Many states adopt the Federal Regulation as the state standard. Check with the Department of Transportation in your state.