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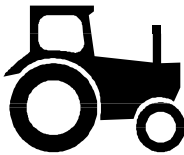
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SPRING IS JUST AROUND THE CORNER and coming on fast. Too fast. It seems that Father Time has taken up jogging and left me behind. This month's issue is for February and March. For those of you new to *The Hazmat News Network*, it's a free service provided to let you know what's happening within our regulatory world. If you benefit from the articles or services provided, that's great. There is no charge. Feel free to make a copy of this newsletter and pass it on to those you think will benefit.

*Happy
St. Patrick's
Day*

THE AGRICULTURAL INDUSTRY IS HIT BY HM-200.

Last month I discussed some of the exceptions and requirements for Materials of Trade (MOTs). This month is dedicated to those in the agricultural business. Farmers are affected by HM-200, "Hazardous Materials in Intrastate Commerce." Here's a summary of what's important. First and foremost, get to know your State Laws regarding the transport regulations for farmers and agricultural businesses. If a State Law is in place before July 1, 1998, the requirement/exception allowed by that State Law maintains its authorization and is recognized by the DOT Hazmat Regulations. Included is the authorization for small non-specification cargo tanks to be used for the intrastate transportation of flammable liquid petroleum products if: (1) it is in operation, authorized by the State, and in conformance to that State regulations before July 1, 1998; (2) it is not transporting an EPA hazardous waste, hazardous substance, marine pollutant, or flammable cryogenic liquid; (3) the volume of the cargo tank is <3,500 gallons; and (4) it is transported in compliance with all other requirements in the hazmat regulations (i.e., marking, shipping papers, etc.). This allowance is good until July 1, 2000. After this date, the cargo tank must meet the packaging requirements – except for 49 CFR 180.405(g) – of a MC-306 cargo tank motor vehicle. Now here's the real kicker. The last time the MC-306 cargo tank motor vehicle requirements were published was in the 1990 49 CFR edition. Isn't that great!



Let's now uncover some other hazmat exceptions for farmers.

EXCEPTION 1. This exception involves farmers not being subject to the DOT Hazmat Regulations – except for Class 2 materials – if the farmer is:

- an intrastate private motor carrier; **and**
- conforms to the State law if it exists before July 1, 1998; **and**
- transported on local roads (non-interstate highways) between fields of the same farm.

If any ONE of the above conditions are not met, the farmer is fully subject to the DOT Hazmat Regulations.

EXCEPTION 2. The farmer is excepted from the Hazmat Regulations for transport of formulated liquid agricultural products between the distribution point and the ultimate point of application or for loading on an airplane for application by air if the farmer:

- uses a specification packaging ≤220 liters (58 gallons); **and**
- if closures are manifolded they must all be manifolded to a closed mixing system, **and**
- uses positive dry disconnect closure devices; **and**
- uses a private motor carriers.

EXCEPTION 3. This exception applies to the cargo tank transport of anhydrous ammonia if in a nurse tank meeting the requirements in 49 CFR 173.315(m). This is not a new regulation, however, it is new in the application to intrastate transportation. Requirements for anhydrous ammonia in nurse tanks includes requirements for tank designs; tank equipment; maximum capacity; filling limits; painted white or aluminum; securely mounted on a farm wagon; and is properly marked and placarded (except on the end where valving and other equipment is located if the valving and equipment blocks the hazcom from being visible).

EXCEPTION 4. This involves the exception from the emergency response information and telephone number requirements of 49 CFR 172 Subpart G. For the farmer to use this exception, they must meet the following.

- Be an intrastate private motor carrier; **and**
- be transporting agricultural products (see new definition in 49 CFR 171.8); **and**
- maintain transport within a 150 mile radius of the farm; **and**
- if transporting ammonium nitrate fertilizer (properly classed as 5.1, PG III), cannot exceed a maximum gross mass of 16,094 pounds in a bulk packaging ; **and**
- cannot exceed 502 gallons (for liquids and gases) or 5,070 pounds (for solids) per vehicle for hazmat other than ammonium nitrate fertilizer classed as 5.1, PG III; **and**
- the packaging meets State requirements **IF** the requirement is in place prior to July 1, 1998; **and**
- all persons involved in the preparation and transport of the hazmat are instructed in (no testing or recordkeeping required) the applicable requirement of the DOT Hazmat Regulations.

EXCEPTION 5. The farmer is authorized to use the Materials of Trade exception. The general conditions and allowances for MOTs were discussed in our January 1997 issue.

THE EXCEPTIONS EXIST, BUT BE CAREFUL! All farmers must be instructed to the requirements, conditions and limitations of these new regulations. But more than this, the farmer must be alert of their operations to ensure they meet all

the requirements of the given exception. If any one condition of an exception is not met, the farmer is placed fully into the DOT Hazmat Regulations! Violations are no longer just a State action; this docket makes violations of hazmat transportation in intrastate commerce subject to Federal enforcement!