



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Transportation/Hazardous Materials Regulations: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Applicability to Internal Combustion Engines/Combustible Liquids

06/18/2020

The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in a May 19th letter the applicability of the Hazardous Materials Regulations (“HMR”) to the transportation of internal combustion engines and combustible liquids.

PHMSA was responding to a question posed in an April 22nd email from Railsback Safety Professionals LLC (“Railsback”).

Railsback described a scenario involving equipment containing an internal combustion engine with a 150-gallon fuel tank. It further described the engine and fuel tank as containing diesel fuel with a flashpoint of 125° F (which has been reclassified as a combustible liquid in accordance with § 173.120(b)).

Railsback first asked whether an internal combustion engine containing diesel fuel with a flash point of 125° F meets the definition of “hazardous material” in § 171.8.

PHMSA answered in the affirmative. Such engines were noted to contain a flammable or combustible fuel which is classified as a hazardous material. Exceptions referenced in the HMR are noted.

Railsback also asked whether an internal combustion engine’s 150-gallon fuel tank (which contains a combustible liquid) meets the definition of a “hazardous material.”

PHMSA again replies in the affirmative, noting that:

. . . fuel tanks that are part of the equipment they power are covered under the description for the engine. . . If the fuel tank is transported separately from the equipment it is intended to power, the fuel inside must be described and transported in accordance with applicable HMR requirements or exceptions . . .

The letter further describes the term “hazardous material” and notes that an internal combustion engine containing flammable or combustible liquid fuel continues to meet the definition of “hazardous material” in § 171.8 even when transported under an exception that provides relief from part, or all of the requirements of the HMR. It is noted, however, that:

. . . if the engine and fuel tank are purged of fuel in accordance with § 173.220(a), and the engine contains no other hazardous materials, then the engine would no longer be considered a “hazardous material” as defined in § 171.8.

A copy of the letter can be downloaded [here](#).