



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

November 13, 2015

Andrew Bray
National Pest Management Association
10460 North St.
Fairfax, VA 22030

Dear Mr. Bray:

This is in response to your request for a formal response to the National Pest Management Associations (NPMA) understanding of the provisions of DOT-SP 11329. Your interpretations have been paraphrased and responded to as follows:

NPMA Interpretation

Any special permit whose renewal application was filed 60 days prior to expiration and subsequently has a timely filing for reconsideration and, if applicable, a timely filing for appeal remains in effect until final administrative action is taken.

PHMSA Response

Your understanding is correct. A renewal application filed 60 prior to expiration will not expire until final administrative action on the application has been taken.

NPMA Interpretation

DOT-SP 11329 permits any licensed pest control operator to transport Phostoxin under the terms of the special permit without requiring the vehicle to be placarded with the “dangerous when wet” placard.

PHMSA Response

Your understanding is correct provided Phostoxin is classified as one of the hazardous materials authorized in paragraph 6. of DOT-SP 11329. Paragraph 7.b.(3) of the special permit authorizes licensed pest control operator to transport packages covered under the terms of the special permit. In addition, per paragraph 7.b.(5) vehicles need not display DANGEROUS WHEN WET placards.

NPMA Interpretation

Licensed pest control operators are not required to apply for party status to DOT-SP 11329 pursuant to 49 CFR § 107.107.

PHMSA Response

Your understanding is correct.

NPMA Interpretation

Licensed pest control operators transporting materials under the terms of DOT-SP 11329 are not required to obtain a commercial driver's license (CDL) pursuant to 49 CFR § 383.91. As specified in 49 CFR § 383.5, the definition of hazardous materials is defined as means any material that has been designated as hazardous under 49 U.S.C. 5103 *and* [emphasis added] is required to be placarded under subpart F of 49 CFR part 172. Therefore, the exception from placarding specified in DOT-SP 11329 also exempts licensed pest control operators from CDL requirements.

PHMSA Response

In accordance with the Federal Motor Carrier Safety Administration (FMCSA) regulations, only drivers of vehicles transporting hazardous materials that are required to be placarded in accordance with Subpart F of Part 172 of the HMR must have a hazardous materials endorsement to their CDL (See § 383.93). Therefore, a carrier transporting packages under the terms of DOT-SP 11329 that are excepted from the requirement to placard are not required to have a hazmat endorsement on their CDL.

Requirements for drivers to possess a CDL with a hazmat endorsement are maintained by FMCSA in 49 CFR Part 383. Questions regarding hazmat endorsements on CDLs should be directed to the Transportation Security Administration at 877-429-7746 or the appropriate FMCSA field office. A list of FMCSA field offices and contact information is available at: <http://www.fmcsa.dot.gov/about/contact/offices/displayfieldroster.asp>

We hope this clarifies your understanding of DOT-SP 11329. Let us know if we can be of further assistance.

Sincerely,



Donald Burger
Chief, Special Permits, Office of Hazardous Materials Special Permits and Approvals