



# Wisconsin Farmers on the Road

## Hazardous materials

*Current as of March 2010*

You are a "Farmer" according to the Hazardous Materials Regulations (HMR) if you are engaged in the production or raising of crops, poultry or livestock. Many agricultural products used in the course of farming, such as fertilizers, pesticides, and soil amendments, as well as gasoline, diesel fuel, and propane are hazardous materials. If you transport a hazardous material on a public road in the course of your business, the Hazardous Materials Regulations may apply to you.

### Legislation

Wisconsin Transportation Order 326 regulates the transportation of hazardous materials within the State of Wisconsin. Trans 326 adopts Parts 107, 171, 172, 173, 177, 178 and 180 of Title 49 of the Federal Hazardous Materials Regulations (HMR). Trans 326.07 states the exclusions to the statutes, allowing many of the exceptions for agricultural products in 173.5 of the HMR.

### Hazardous materials regulations

The Hazardous Materials Regulations (HMR) are the rules you must follow if you ship or transport a hazardous material in the course of your business. The HMR tell you:

- » How to classify and package a hazardous material;
- » How to select the proper packaging;
- » How the package must be marked and labeled;
- » How to complete a shipping paper;
- » How to provide emergency response information that must accompany a hazardous material shipment;
- » Whether the vehicle carrying a hazardous material shipment requires placarding and identification of the placards when required;
- » About training requirements for persons who transport hazardous materials or prepare hazardous materials for shipment; and
- » When a security plan is required for a business that offers hazardous materials and/or transports hazardous materials in commerce.

The HMR and other pertinent information can be accessed through the Pipeline and Hazardous Materials Safety Administration (PHMSA) Hazmat Safety home page at <http://hazmat.dot.gov>

### Agricultural operations exceptions

Wisconsin Transportation Order 326 provides exclusions from the regulations for farming operations when the specific conditions listed in the Transportation Order are met. These exclusions apply to intrastate trips only. Interstate trips are subject to 49 CFR in its entirety.

#### *Transporting between fields (local roads)*

If you are a farmer who is an intrastate private motor carrier transporting agricultural products other than gases (Class 2) between fields of the same farm using local roads (other than the Interstate System), Wisconsin law allows you to do so without regulation.

Class 2 material, such as liquefied petroleum gas (LPG) transported as above and meeting the same conditions must follow all the requirements, other than emergency response information and training as identified in the appropriate sections of the HMR.

#### *Transporting to or from your farm*

When transporting an agricultural product to or from your farm, within 150 miles of the farm, the requirements for emergency response information, training and specific packaging as identified in the HMR do not have to be followed when:

- » Transported by a farmer who is an intrastate private motor carrier;
- » The product is being transported in a single vehicle;
- » The total amount of agricultural product transported on a single vehicle does not exceed:
  - » 7,300 kg (16,094 lbs) of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging, or 1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs) for solids, of any other agricultural product.



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## Additional exceptions relating to agricultural operations

Sections referenced for the following exceptions are listed in the HMR. These additional exceptions pertain to:

- » A private motor carrier transporting formulated liquid agricultural products in specification packages of 220 L (58 gals) capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices between a final distribution and an ultimate point of application or for loading aboard an airplane for aerial application (See Federal HMR 173.5(c))
- » Nurse tanks of anhydrous ammonia (See Federal HMR 173.315(m))
- » Materials of trade (See Federal HMR 173.6)

## Pesticide transportation

Pesticides are regulated by Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and the Federal Environmental Protection Agency. Pesticides are classified as either general or restricted use. Restricted use pesticides (RUP) are prominently labeled to indicate they are only for sale to or for use by certified applicators. Farmers who use RUP products must be certified as a private applicator and need to carry their certification with them. Regardless of use classification, pesticides being transported must be secured, adequately separated from food or feed products and may not be transported in broken, defective or improperly sealed containers. Pesticides also must be in the original containers. All containers must be properly labeled, and transported according to any further restrictions on the label. If an accidental spill occurs, you shall report it to the State Spills Hotline, and a DATCP field person will respond to the spill.

Some pesticides may require placards. Most soil fumigants fall into that category, as do some other highly toxic products. Check the label of the pesticide to see if placards are required. A color guide to HM marking, labeling and placarding is available from Pipeline and Hazardous Materials Safety Administration (PHMSA). For other questions on pesticide transportation or labeling requirements, contact DATCP at (608) 224-4500

## Disposal of used oil filters

The EPA does not classify used oils destined for recycling as hazardous waste. However, Wisconsin does not allow used oil in landfills. Used oil must be recycled either by burning it on-site for heat recovery or by hauling it off-site to be recycled into a fuel or a new lubricant base stock. The EPA classifies used oil filters from light-duty vehicles (car and small pick-ups) as solid waste exempt from hazardous waste requirements, provided the filters are drained.

Many used oil filters from heavy-duty trucks are terne-plated (terne is an alloy of tin and lead) and the EPA concludes they may exhibit toxicity for lead. Such filters must be evaluated for hazardous waste characteristics. If, after testing, the filters do not exhibit hazardous waste characteristics, they may be disposed of in the same manner as light duty oil filters.

## Class 2.3 – Poisonous gas

Poisonous gas packages must be marked *Inhalation Hazard*. Any vehicle, tank or container that contains Inhalation Hazard material must be placarded on each side and each end with a *Poison* or *Poison Gas* placard.

**Exception:** Anhydrous ammonia transported within the U.S. is treated differently. Bulk packages must be marked *Inhalation Hazard* on two opposing sides. *Poison* placarding is not required. However, the non-flammable gas placard must be displayed.



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## Using placards to communicate hazards

Placards required by the HMR provide first-on-scene emergency responders with a quick way to assess the hazards associated with the material that is being transported. Placards provide the means for emergency responders to identify the threat and safely and appropriately handle the accident, conduct lifesaving operations, and mitigate the threat of environmental damage. The chart lists examples of placards that identify hazardous materials such as pesticides; fertilizers such as anhydrous ammonia or ammonium nitrate; fuels such as gasoline, diesel, and propane; and explosives such as dynamite and detonators, which are often used in the agriculture business.

## Some examples of types and quantities of hazardous materials that require a placard

Material	Placard	Quantity
Dynamite (Division 1.1 explosive) <sup>1</sup>	Explosives 1 	Any amount
Detonators (Division 1.4 explosives)	Explosives 1.4	454 kg/1001 lbs or more aggregate gross weight of non-bulk packages
Propane (Division 2.1 materials)	Propane 2 	
Anhydrous ammonia (Division 2.2 with inhalation hazard)	Anhydrous Ammonia 3 	<b>or</b> Bulk containers (Capacity of more than 450 liters/119 gallons,
Gasoline (Class 3)	Gasoline 3 	<b>or</b> more than 400 kg/882 lbs, regardless of volume or weight of contents)
Diesel fuel (Class 3)		
Pesticides/herbicides that bear a DOT poison label (Division 6.1)	Pesticide/Herbicide (Poison 6) 	
Ammonium Nitrate (Division 5.1)	Oxidizer 5.1 	



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## In case of accident

Whenever a hazardous material is spilled, contact your local authorities immediately. The spill must also be reported to the State Spills Hotline.

**WISDOT Emergency Number:** (800) 424-8802

**Wisconsin State Spills Hotline:** (800) 943-0003

The Wisconsin Department of Natural Resources allows very small quantity generators of hazardous waste (less than 220 lb. per month) to self-transport their hazardous waste to a licensed hazardous waste disposal facility. In this case, the transporter is not required to have a State of Wisconsin solid or hazardous waste transportation license.

The Department of Commerce, Safety and Buildings Division has minimum requirements for design, construction, location, installation, operation, repair and maintenance of anhydrous ammonia and gas systems which include liquefied petroleum gas, liquefied natural gas, compressed natural gas and liquid or gaseous hydrogen.

The Wisconsin Department of Agriculture, Trade and Consumer Protection (608) 224-4500 has requirements for the labeling, transportation, storage and handling of pesticides.

## For further information

**Wisconsin Department of Natural Resources**  
Bureau of Waste and Material Management  
P. O. Box 7921  
Madison, WI 53707-7921  
Phone: (608) 266-2111

**Federal Motor Carrier Safety**  
Administration (FMCSA)  
One Point Place, Suite 101  
Madison, WI 53719  
<http://www.FMCSA.dot.gov>  
Phone: (608) 662-2010

**Wisconsin State Patrol**  
Motor Carrier Information System  
Phone: (608) 267-9762

**Pipeline and Hazardous Materials**  
Safety Administration (PHMSA)  
<http://PHMSA.dot.gov/hazmat>  
Info Line: (800) 467-4922  
E-mail: [infocntr@dot.gov](mailto:infocntr@dot.gov)

**Wisconsin Motor Carriers Association**  
562 Grand Canyon Drive  
Madison, WI 53744-4849  
Phone: (608) 833-8200  
FAX: (608) 833-2875  
[www.witruck.org](http://www.witruck.org)

*For information about HM publications and training materials, write:*

**Office of Hazardous Materials**  
Initiatives and Training  
400 Seventh Street, SW  
PHH-50, Rm 7424  
Washington, DC 20590-0001  
FAX: (202) 366-2301  
E-mail: [training@DOT.gov](mailto:training@DOT.gov)  
Phone: (202) 366-2301