



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 23 1998

Mr. Mourad Flood Elyafi
Warehouse Manager
Conney Safety Products
3202 Latham Drive
P.O. Box 44190
Madison, WI 53744-4190

Ref. No. '98-0211

Dear Mr. Elyafi:

This is in response to your letter dated July 22, 1998, regarding requirements for consumer commodities transported by air under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

A limited quantity of hazardous materials that is also a consumer commodity may be renamed "Consumer commodity" and reclassified as an ORM-D material provided: (1) it meets the definition of a consumer commodity in § 171.8; (2) it is packaged for shipment in accordance with the limited quantity provisions; and (3) the packaging exception section referenced in column (8A) of the § 172.101 Hazardous Materials Table (HMT), allows an exception for shipment as an ORM-D. When offered for transportation by air, packagings for which retention of liquid is a basic function must be capable of withstanding without leakage the internal pressure standards in § 173.27(c). An ORM-D material is subject to the marking requirements in § 172.316. Under § 172.200(b)(3), a shipping paper is not required for an ORM-D materials unless it is being offered or intended for transportation by air.

Your questions are answered as follows:

Q1. Our company ships Instant cold packs, each containing less than two ounces of Ammonium nitrate, UN2072, class 5.1. We have renamed them as "Consumer commodities" and reclassified them as ORM-D, under the provisions of § 173.152. Is this an authorized reclassification?

A1. Yes, your product appears to meet the definition of a consumer commodity as defined in § 171.8 and, based on the quantity of material being shipped (< 2 oz.), qualifies for the limited quantity exceptions in § 173.152. Please note that in your letter you identified the Instant cold packs as containing Ammonium nitrate, UN2072. It is our opinion that your product would be more accurately described as Ammonium nitrate, UN1942. Identification number UN2072 is used to identify Ammonium nitrate fertilizer, n.o.s.

Q2. We are a distributor of several types of aerosols. Our vendors (manufacturers) have tested and renamed these products "Consumer commodities" and reclassified them as ORM-D material under the provisions of § 173.306(a)(3). Are we authorized to reoffer these products for transportation by air or must we test them ourselves?

A2. Provided the materials meet the definition of an aerosol in § 171.8 and the inner receptacles have been tested and conform fully to the limited quantity exceptions under § 173.306(a)(3) and all other applicable requirements, you may reoffer the aerosols for transportation by air without further testing.

Q3. We ship first aid kits containing one to three items authorized reclassification as ORM-D materials. Should these kits be described as First aid kits, UN3316, or may they be reclassified as Consumer commodities, ORM-D, when transported by air?

A3. The materials may be shipped as First aid kits, UN3316, as prescribed in § 172.102, Special Provision 15. Because there is no exception listed in column (8A) of the HMT for First aid kits, UN3316, the reclassification of the kits as ORM-D materials is not authorized. You may, however, evaluate whether each material in the kit separately qualifies for the limited quantity and consumer commodity exceptions in their respective packaging provisions. Materials in the kit that are properly reclassified as Consumer commodity, ORM-D, may be packed in the same outer packaging if they meet the packaging requirements in §§ 173.24, 173.24a (to include 173.24a(c)), 173.27, and 173.156.

We trust this answers your questions. Let us know if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials
Standards



3202 Latham Drive
P.O. Box 44190
Madison, WI 53744-4190
Telephone 608-271-3300
FAX 608-271-3322

Personal Safety Equipment
Protective Clothing
First Aid Supplies
Environmental Protection Products

July 22, 1998

Stevens
§ 173.152

Edward Mazzullo
Director at the Office of Hazardous Materials Standards
400 7th Street SW
Washington, D.C., 20590

Dear Mr. Mazzullo:

We are a distributor of safety products, personal protection from head to toe. Our strategic plan for the near future is to offer a 2-day service to our customers in California. A couple hundred SKUs out of the 10,000 that we carry in stock are regulated by the DOT.

I am in the process of establishing a procedure on how to ship ORM-D items via air. Before I implement this procedure, I want to make sure that I have done it correctly. Could you please answer the following questions in writing?

- 1) Instant cold pack, ammonium nitrate UN 2072 class 5.1 Oxidizer. I have reclassified this item as a consumer commodity. The amount of ammonium nitrate per cold pack is less than 2 oz. I have looked at §173.152 and it appears that this item meets the listed requirements. Could you confirm that this is correct?
- 2) We carry several types of aerosol cans in stock: insect repellent, WD-40, pest control... these items have already been classified as consumer commodities by our vendors (manufacturers). Can we use this information and ship these items via air as consumer commodities or do we need to run the tests from § 173.306? The cases are always marked as ORM-D consumer commodities, and the MSDS list the aerosol cans as ORM-D consumer commodities.
- 3) First aid kits containing one or up to three items classified as ORM-D: Should these be classified as consumer commodities or First Aid Kit (UN 3316 class 9) when shipped air?

Time is of the essence in this matter, and I thank you in advance for taking the time from your busy schedule to answer my questions. If you have any questions please feel free to contact me at my direct line listed below, or you can send me a fax at (608) 271-3322.

Sincerely,

A handwritten signature in black ink that reads "Mourad Flood Elyafi".

Mourad Flood Elyafi
Warehouse Manager
608-277-5412, Direct Line