



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB 23 1998

Mr. Fred B. Goodnight
Amerex Corporation
P.O. Box 81
Trussville, AL 35173-0081

Dear Mr. Goodnight:

This is in response to your letter of January 19, 1998, asking whether a fire extinguisher conforming to 49 CFR 173.309 may be shipped as a Consumer Commodity ORM-D in accordance with the provisions of § 173.144.

The answer is no. In order for a material to be reclassified as ORM-D, the material must: (1) meet the definition for consumer commodity in § 171.8; (2) be 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, must allow an exception for shipment as an ORM-D. In your case, the fire extinguishers may meet the definition of consumer commodity and may be packaged as a limited quantity, but § 173.309 does not authorize shipment of fire extinguishers as ORM-D.

I hope this information is helpful. Should you have further questions, do not hesitate to contact us.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



Contractors
 701 173 309
 SC: 110, 158

Amerex Corporation
 P.O. Box 81
 Trussville, AL 35173-0081
 205-655-3271
 FAX: 205-655-3279

January 19, 1998

VIA-FAX & MAIL-202-366-3753

Mr. Edward T. Mazzullo
 Director, Office of Hazardous Materials Standards
 U. S. DoVRSFA [DHM-10]
 400 7th Street S. W.
 Washington, DC 20590-0001

SUBJECT: ORM-D Interpretation

Dear Sir:

Could you please give us a formal (written) interpretation regarding 49CFR173.144 and whether a fire extinguisher conforming to 173.309 can be shipped via UPS (highway) as ORM-D? It seems to us that ORM-D can be used because:

1. The fire extinguisher is a consumer commodity.
2. The fire extinguisher is subject to the regulations of 49CFR, Part 173.
3. The fire extinguisher presents a limited hazard during transportation due to its packaging and quantity. All extinguishers are shipped as inside packages and will comply with all restrictions of 173.309, i.e. they will contain less than 241 psig of non-flammable, non-corrosive, and non-poisonous compressed gas, less than 1100 cubic inches in volume and have contents that are non-poisonous and non-corrosive. In addition, cylinders will be either specification cylinders or will meet all requirements of 173.309 (a).
4. Exceptions are provided in Table 172.101.

We need your written interpretation for UPS to accept the above extinguishers as ORM-D material. If you have any questions of us, or need any additional information, please contact me at 205-655-3271 or fax 205-655-3279.

Very truly yours,

Fred B. Goednight
 Vice President Engineering

FBG/ja

cc: Mr. Paul Polydores - DOT