



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

DEC 22 1999

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

Ms. Karen Eve Leidigk
41608 Amberly Drive
Clinton Township, MI 48038-1907

Ref. No. 99-0234

Dear Ms. Leidigk:

This is in response to your letter dated August 14, 1999, regarding classification certain products as Consumer commodity, ORM-D. Specifically, you asked whether products may be reclassd as ORM-D if they are only available through specialty stores, and are intended for industrial use only.

One example you provided, Dykem Steel Blue Layout Fluid, is used for laying out dies, templates, aligning worms and gears, and locating high spots on gears. The other example you provided is Dykem Thinner and Remover which is for removal of the layout fluid.

You state that these particular products are not suitable for household use, only available through speciality stores, and no similar product is available through general retailers. Therefore, we agree that they are not suitable for household use and do not meet the consumer commodity definition (§ 171.8). However, various other types of paints and removers do have household applications and thus meet the definition for consumer commodity.

I hope this satisfies your request.

Sincerely,

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



990234

173.22

14 August 1999

Mr. Edward T. Mazzullo
Director, Office of Hazmat Standards
U.S. DOT/RSOA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-001

BAH
\$173.22
99-0234

Dear Mr. Edward T. Mazzullo

Enclosed are Material Safety Data Sheet's from ITW FLUID PRODUCTS GROUP on three different product names:

1. Dykem Steel Blue Layout Fluid which is made and shipped in the following amounts

- 2 oz felt tip
- 4 oz
- 8 oz
- 1 pint
- 1 quart
- 1 gal
- 5 gal
- 55 gal
- Correction pen (1 oz or less)
- .5 oz

flammable liquid
PG II

This Dykem Layout Fluid is also made in various different colors, but the application is the same.

Layout Fluid is used for laying out dies, templates, aligning worms & gears, location high spots on gears etc.

It does state FOR INDUSTRIAL USE ONLY! on the containers.

2. Dykem Steel Blue Layout Fluid made and shipped in the following amounts:

AEROSOL BLUE
16 oz aerosol

3. Dykem Thinner and Remover made and shipped in the following amounts:

- 6 oz
- 1 pint
- 1 quart
- 1 gal
- 5 gal
- 55 gal

The application for this Thinner and Remover is for the removal of the Layout Fluid.

With this letter you will find a copy of a letter from Delmer F. Billings, Chief, Regulations Development, Office of Hazardous Materials Standards stating:

"The example you provided, Line Layout Fluid used for laying out dies, templates, aligning worms and gears, and locating high spots on gears is for industrial use only and not suitable for household use".

Which means to me that the corrected shipping for this material, except for the 1 ounce or less, is as follows:

Paint, Class 3, UN1263, Packing Group II

The 1 ounce or less would be shipped as "small quantities", under the guidelines of 49 CFR 173.4. The shipper would certified conformance with this section by marking the outside of the package with the statement:

"This package conforms to conditions and limitations specified in 49 CFR 173.4"

Also, you will find a description of "LAYOUT AND IDENTIFICATION DYE FOR TOOL, DIE, PATTERN, OR TEMPLATE LAYOUT ON METAL" from ITW's competitor, which also ships Layout and Identification Dye and Remover. This company ships out MICCRO SUPREME (brand name) manufactured by Tolber Division and ships it out correctly with all of the correct labels.

ITW Fluid Products Group ships the Aerosol and 1 pt or less as ORM-D

I also had received a letter from Mr. Joseph T. Horning dated Oct. 04 1979 who at that time was Chief, Regulation Development Br., Office of Hazardous Materials Regulation, Materials Transportation Bureau. This letter was addressed to Mr. Roger M. Aldrich, Shipping Manager of Great Western Inorganics.

In this letter, it is stated that "It has never been intended that the ORM-D classification cover an unusual, exotic, or industrial chemicals such as those found in a chemical specialty store".

Please advise me of your findings.

Sincerely,

RM2 Karen Eve Liedigk, USN-R (Retired)
41608 Amberly Dr.
Clinton Twp., MI 48038-1907

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