



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

JUL 17 2003

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

Mr. Rupert Zellner
Warehouse Manager
Science Kit & Boreal Laboratories
777 East Park Drive
Tonawanda, NY 14150-6784

Ref. No. 03-0119

Dear Mr. Zellner:

This is in response to your May 8, 2003 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of ORM-D materials. Specifically, you ask if the materials listed in your letter may be shipped as ORM-D materials. Your company is a supplier of education equipment, supplies, and chemicals to schools throughout the United States. You state the chemicals listed in your letter are packaged in a way that is suitable for sale in the retail market.

Section 173.22 requires a shipper to properly class and describe the hazardous material in accordance with parts 172 and 173 of the HMR. This Office does not perform that function. As defined in § 171.8, a consumer commodity means a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use. This term also includes drugs and medicines. As provided in § 173.144, an ORM-D material means a material such as a consumer commodity, which, although otherwise subject to the regulations of this subchapter, presents a limited hazard during transportation due to its form, quantity and packaging. It must be a material for which exceptions are provided in Column 8A of the Hazardous Material Table (HMT) found under § 172.101. If the materials you intend to ship meet these criteria, then they may be renamed "Consumer commodity" and reclassified as "ORM-D." Materials properly renamed consumer commodity and reclassified ORM-D are excepted from labeling, placarding, specification packaging and, except when transported by air, are excepted from shipping paper requirements. However, packages containing consumer commodities must be marked in accordance with § 172.316.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,


Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



030119

172.101

Science Kit & Boreal Laboratories

Foster
§ 172.101
ORM
03-0119

May 8, 2003

Office of Hazardous Material Standards
Department of Transportation/RSPA/OHMS
400 7th Street SW
Washington, DC 20590

To Whom It May Concern:

We are contacting your office concerning the shipping of Limited Quantity chemicals as ORM-D material.

Science Kit is a supplier of educational equipment, supplies, and chemicals to schools throughout the United States. The chemicals we distribute to schools are packaged in such a way that they could be sold in the retail market.

Our understanding is that if a chemical presents a limited hazard during transportation due to the quantity, packaging, and is an exception provided in the 172.101 Table, as well as packaged for the retail market, it can be shipped as an ORM-D material.

Below is a sample list of chemicals we supply to the education market that we would like to have a ruling if these chemicals can be shipped as ORM-D material:

125ml & 500ml Acetone	Class 3 UN1090 PGII LTD Qty
125ml & 500ml Ethanol	Class 3 UN1170 PGII LTD Qty
125gm & 500gm Lead Compound (Lead Chloride)	NOS Class 6.1 UN2291 PGIII LTD Qty
250ml & 500ml Hydrochloric Acid	Class 8 UN1789 PGII LTD Qty
125gm & 500gm Sodium Hydroxide Pellets	Class 8 UN1823 PGII LTD Qty
125gm & 500gm Copper Chloride	Class 8 UN2802 PGIII LTD Qty
125gm & 500gm Potassium Nitrate	Class 5.1 UN1486 PGIII LTD Qty

Please let me know if you need any other information. I can be reached at 800-242-2042 extension 350 or email at rzellner@sciencekit.com

Sincerely,



Rupert Zellner
Warehouse Manager