



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**
DEC 20 2007

1200 New Jersey Avenue, SE
Washington, D.C. 20590

Ms. Mary Van Horne
Manager
SPT Technology, Inc.
1008 North Fifth Street
Minneapolis, MN 55411-4302

Ref. No. 07-0186

Dear Ms. Van Horne:

This responds to your letter requesting confirmation of your understanding of the requirements for consumer commodities under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Our company places 4 one-gallon inner receptacles that contain "Resin Solution, 3, UN1866, III" into a strong outer packaging. The gross mass of the completed package is approximately 40 lbs. Is our package eligible for reclassification to "ORM-D" and renamed "Consumer commodity"?

A1. If your company's product meets the definition of a consumer commodity as specified in § 171.8 and is packaged in accordance with the requirements specified in § 173.150(b), the answer is yes. If it does not, your company's product may not be renamed and reclassified as "Consumer commodity, ORM-D."

Q2. Are ORM-D materials subject to the placarding requirements of the HMR?

A2. No. See § 172.500(b)(2).

Q3. Our company prepares "Polyester resin kits, 3, UN3269, III" for shipment. The kits contain inner receptacles of a Class 3, Packing Group III, flammable liquid each not exceeding a net capacity of 5 liters and a Type D solid organic peroxide contained in inner receptacles each not exceeding a net capacity of 500 grams. The gross mass of the completed package does not exceed 30 kilograms. Is our package eligible for reclassification to "ORM-D" and renamed "Consumer commodity"?

A3. If your kit meets the definition of a consumer commodity as specified in § 171.8 and is packaged in accordance with the requirements specified in § 172.102(c)(1) Special Provisions 40 and 149 and § 173.152(b), the answer is yes. If it does not, your company's product may not be renamed and reclassified as "Consumer commodity, ORM-D."

Q4. Our company intends to offer "Organic peroxide type D, solid, 5.2, UN3106, II" for transportation. Is this material eligible for reclassification to "ORM-D" and renamed "Consumer commodity"?

A4. If your material meets the definition of a consumer commodity as specified in § 171.8 and is packaged in accordance with the requirements specified in § 173.152(b), the answer is yes. If it does not, your material may not be renamed and reclassified as "Consumer commodity, ORM-D."

Q5. Are there differences in quantity allowed per inner receptacle when packaging "Organic peroxide type D, solid, 5.2, UN3106, II" either on its own or in a polyester resin kit under the limited quantity and consumer commodity exceptions in § 173.152?

A5. No. See § 173.152(b)(3)(i) and (b)(4)(i).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mitchell", written in a cursive style.

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

Stevens
\$172.101
\$173.150
\$173.242
Applicability
07-0186



September 21, 2007

Department of Regulations relating to transportation
Director of the office of Hazardous Standards

Mr. Edward Mazzullo,

I am writing this letter for correct interpretation. I would like to make sure I understand, and properly ship the following three commodities, as **ORM-D**.

May I receive confirmation that I am shipping my commodities correctly as **ORM-D?**

- 1. **Resin Solution**
UN 1866
Class 3
Packing group III
EMS: F-E, S-E
ERS: 127
Flash point 23C

I currently ship this commodity as **ORM-D**.
Four individual gallons (less than 5L each jug) *AKA inner packing*
Over-packed, in a 275 burst test box, inserted into a 350 burst test box *AKA outer package*. The gross box weigh of this over pack outer box is approximately 40 pounds. My understanding is that I may ship up to 66 pounds gross per box (*AKA outer package*) before the box will need to be reclassified as Hazardous. **Do I understand correctly?**

2. If I pack the (forty pound *outer package*) box on a pallet, I understand the packing exceptions to read that I may place up to 25 boxes equaling 1000 pounds on the pallet before it will be necessary to placarded and change from **ORM-D** to hazardous. **Is my understanding correct?**

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2. **Polyester Resin Kit**
UN3269
Class 3
Packing group III
EMS: F-E, S-E
ERS: 127
Flash point 23C

Please confirm my understanding that I may ship this commodity as ORM-D per Special provision 172.102, 40 stating:

- The kit, consist of two components:
- We ship base material of class 3 and an activator (organic peroxide) type D, solid. Of which, the quantity may not exceed 500 g (1 pound).

Subchapter 149: The maximum net for inner pack (*inner pack is container holding the base material, polyester resin*) may be increased to 5L or 1.3 gallon.

Packing exceptions 173.152:

**Hazardous materials may be transported as a limited quantity.
May NOT exceed 30kg (66pounds) gross, per outer pack
Type D organic peroxides, inner pack may not exceed 500 g (17.64oz).**

I need confirmation that I am correctly shipping this Polyester Resin Kit as ORM-D

(3) **One strong outer box containing four inner pack of base material (polyester resin) Inside the same strong outer box, I pack 80 gram plastic bag of Organic Peroxide, Type D, Solid per gallon of polyester resin, (320 grams total). However, I may pack up to 500 grams if required.**

4x500

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3. **Organic Peroxide type D, Solid**
UN3106
Class 5.2
Packing group II
EMS: F-J, S-R
ERG: 145
Flash point N/A

Please confirm my understanding that I may ship this commodity as **ORM-D** per Exception 173.152.



Organic peroxide type D may not exceed 500 g (17.64oz) per package. When included in a Polyester Resin kits.



Organic peroxide type D may not exceed .5 kg or 1.1 pound when shipping by its self.

Mary Van Horne, Manager

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