



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

APR 23 2009

Mr. Donald Rinaldi  
President  
Petronio Shoe Products Corp.  
305 Cortlandt Street  
Belleville, NJ 07109

Ref. No. 09-0081

Dear Mr. Rinaldi:

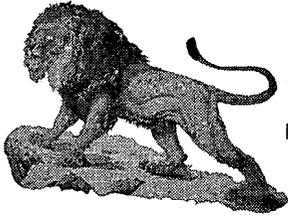
This responds to your April 14, 2009 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if your products may be reclassified as "Consumer commodity, ORM-D." According to your letter, the products are initially classed and described as "UN1133, Adhesive, 3, II" and "UN1263, Paint Related Material, 3, II." The inner packagings range from 4 ounces to 1 gallon (see § 172.102; Special Provision 149), and the outer package contains no more than 6 gallons total, and is less than 66 pounds. The products are sold to retail outlets and industrial customers.

The answer is yes. A consumer commodity is defined in § 171.8 as a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities. Section 173.150(c) authorizes a material to be reclassified as "ORM-D" provided it meets the definition of "Consumer commodity" and is packaged in accordance with the limited quantity provisions of § 173.150(b). Note that the limited quantity provisions of § 173.150(b) limit the gross weight of each package to 30 kg (66 pounds). Based on the information in your letter and assuming the gross weight of each package does not exceed 30 kg (66 pounds), the materials described above may be reclassified and described as "Consumer commodity, ORM-D."

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

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



# PETRONIO *Shoe Products Corp.*

*Manufacturer's of*  
MASTER & PETRONIO BRAND  
Adhesives and Shoe Care Products

"MONARCH of Them All"

Nickels  
\$173.150  
\$171.8  
Exceptions  
09-0081

April 14, 2009

Mr. Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E  
Washington, D.C. 20590

## Re: Shipment of Hazardous Materials on One Gallon Cans

Dear Mr. Betts:

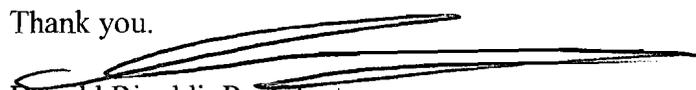
I have been attempting to obtain written confirmation from your office, similar to the enclosed written confirmation that was recently received by another company in my industry. The other company is Quabaug Corporation. I am enclosing a copy of the letter Quabaug Corporation received from you.

I am also enclosing my letter of January 13, 2009, which was not specifically directed to your attention. Perhaps this is why I have been unable to obtain a letter like the letter received by Quabaug.

I am now running into problems with customers who are requesting a letter similar to the enclosed letter that you sent to Quabaug. Several customers are refusing to carry our products until I furnish them with a similar letter.

I ask that you review my letter of January 13, 2009, and contact me if you have any questions.

Thank you.

  
Donald Rinaldi, President  
Petronio Shoe Products Corp.  
Via fax and overnight delivery