



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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 10 2009

Mr. Christopher J. Brown
CEO/Director
EBS-Ink-Jet Systems USA, Inc.
1840 Industrial Drive – Suite 200
Libertyville, IL 60048

Ref. No. 09-0244

Dear Mr. Brown:

This responds to your September 24, 2009 request for clarification of requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of consumer commodities. Specifically, you ask for clarification on classifying your products as Consumer Commodity, ORM-D materials, under the provisions in §§178.8 and 173.150.

According to your letter, you ship printing ink related material, paint related material, and ethanol for retail sale. You ask if you may classify these materials as Consumer Commodity, ORM-D materials in accordance with §§171.8 and 173.150 of the HMR.

For purposes of the HMR, a “consumer commodity” is defined as a material that is packaged and distributed in a form intended or suitable for resale through retail sales agencies for individual personal care or household use. You do not provide sufficient information in your letter to enable use to make a determination as to whether your products meet this definition. If your products are packaged and suitable for retail sale and comply with the limited quantity provisions in §173.150, then you may rename your products “Consumer Commodity” and re-class them as ORM-D material.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact this Office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



September 24, 20098

Booth e
§ 171.8
§ 173.150
Classification
09-0244

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Safety
East Building, 2nd Floor
Mail Stop: E21-317
1200 New Jersey Ave., SE
Washington, DC 20590
202-366-0656
202-366-5713 (Fax)

Via Facsimile

We are requesting clarification of the Hazardous Materials Regulations in the 49 CFR, 171.8 and 173.150 to see if we meet requirements for purposes of reclassifying our materials to ORM-D for shipping ground and air. We also seek an interpretation of "Consumer Commodity" and if we meet the definition.

Our products are classified as UN 1210, printing ink related materials; UN 1263, paint related material; and, UN 1170, ethanol. We ship products via ground and air to our distributors in the United States and Canada for retail sale to their industrial customers and sell retail to our own industrial end users in the United States.

Please advise us whether or not we meet the standards set forth in the HMR necessary for reclassification of materials to ORM-D. Please contact me if you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "C. J. Brown", with a long horizontal flourish extending to the right.

Christopher J. Brown
CEO/Director