



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

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN - 8 2010

Mr. Scott Anderson
Director of Manufacturing Operations and Supply Chain
The Testor Corporation
440 Blackhawk Park Ave.
Rockford, IL 61104

Ref. No.: 09-0290

Dear Mr. Anderson:

This responds to your November 3, 2009 letter regarding the exceptions for limited quantities of compressed gases under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a metal container filled with a liquefied compressed gas (LPG) designed to expel a non-poisonous paint for air brush painting kits may utilize the exception in § 173.306(a)(3). The container would contain a flammable compressed gas propellant but would not contain the corresponding liquid, paste, or powder.

The exception in § 173.306(a)(3) is limited to aerosol containers not exceeding one liter capacity in which one or more gases are used to expel other material that is a liquid, paste or powder. An LPG packaged without a liquid, paste, or powder in the container, is not eligible for the exception.

I hope this answers your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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



The Testor Corporation 440 Blackhawk Park Ave. Rockford, IL 61104 815-967-4074 fax 815-965-9267

Leary
§173.306
Limited Quantities
09-0290

November 3, 2009

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Re: Opinion on 49 CFR Sec. 173.306

Dear Sir:

We ship metal containers of compressed gas which have the sole purpose of expelling nonpoisonous paint for air brush painting kits. These metal containers of compressed gas meet the following conditions:

- (i) Their capacity does not exceed one liter.
- (ii) Pressure in the container does not exceed 180 psig at 130 degrees F
- (iii) The liquid content of the material and gas does not completely fill the container at 130 degrees F.
- (iv) The container is packed in strong outside packagings.
- (v) Each container is subjected to a test performed in a hot water bath; the temperature of the bath and the duration of the test is such that the internal pressure reaches that which would be reached at 50 degrees C (122 degrees F) since the liquid phase does not exceed 95% of the capacity of the container.

We believe that under the provisions of 49 CFR 173.306(a)(3) limited quantities of these compressed gases can be shipped as ORM-D. Assuming these facts are correct could you please confirm that these containers may be shipped ORM-D for ground transportation.

Thank you,

Scott Anderson
Director of Manufacturing Operations and Supply Chain