



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 03 2012

Mr. Kevin Gannon
Manager
Hazmat Compliance & Transportation
Avon Products, Inc.
1 Avon Plaza
Rye, NY 10580

Ref. No. 11-0090

Dear Mr. Gannon:

This responds to your letter requesting clarification of various regulatory requirements for consumer commodities under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as amended in a final rule published on January 19, 2011 [76 FR 3308] under Docket No. PHMSA-2009-0126 (HM-215K). Specifically, you ask under which conditions a package prepared for transportation by aircraft in accordance with § 173.167 of the HMR must conform to be transported by highway. I apologize for the delay in responding and any inconvenience it may have caused. Your questions are paraphrased and answered as follows:

- Q1. Our company's products are prepared for air transportation in accordance with Packing Instruction Y963 of the International Civil Aviation Organization's Technical Instructions (ICAO Technical Instructions) for the Safe Transport of Dangerous Goods by Air, marked with the "Y" limited quantity mark, labeled "Class 9," and described on a shipping paper as "ID 8000, Consumer commodity, 9." For highway transportation, is the "Y" mark required or may we instead use the new limited quantity mark authorized for surface transportation?
- A1. For surface transportation, either mark is authorized.
- Q2. For transportation by aircraft, are we required to indicate "Limited Quantity" on the shipping paper?
- A2. Yes, this indication is required by the HMR. However, it is not required if the shipping paper is prepared in accordance with the ICAO Technical Instructions as authorized by the HMR.

Under the ICAO Technical Instructions, because the packing instruction is a required entry on the transport document, and limited quantity packing instructions are readily

identified by the prefix "Y," the requirement to indicate "limited quantity" on the transport document was considered redundant and was subsequently removed. However, because the HMR do not prescribe "Y" packing instructions for limited quantity packages offered for transportation by aircraft, the requirement to indicate "Limited Quantity" on a shipping paper remains in place.

- Q3. Do the general packaging requirements of § 173.24 of the HMR apply to limited quantity consumer commodity shipments prepared for air transportation in accordance with §§ 173.27(f)(3) and 173.167?
- A3. The answer is no. The requirements for consumer commodities (ID 8000) are meant to be stand-alone provisions as they are in the ICAO Technical Instructions. We intend to clarify this issue in a future rulemaking.
- Q4. Currently, the Emergency Response Guidebook (ERG) references Guide Number 171 for consumer commodities involved in a transportation incident. Will Guide Number 171 be applicable to ID8000 consumer commodity articles and substances, as well?
- A4. The answer is yes. For your information, the current 2008 ERG refers all consumer commodities (including ID8000) to Guide Number 171.

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

Sincerely,



T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



Stevens
§ 173.24
§ 172.101

Limited Quantity/ Applicability
11-0090

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April 6, 2011

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Mr. Michael Stevens or Mr.. Shane Kelley,

Avon Products Inc. is a manufacturer and shipper of Consumer Commodities ORM-D and ORM-D-AIR.

Reviewing the Federal Register Vol. 76 No. 12 from Wednesday January 19, 2011 (HM 215 – K), the hazard class which our products fall under is going away at the beginning of January 1, 2014, as a result of the harmonization with the United Nations Recommendations.,

A transition is now taking place for Air shipping which will enable the shipper to be ready and have there processes for compliance to the new ruling by January 1, 2013.

Our Air shipments are now align with the ICAO/IATA regulations ID8000, Consumer Commodities, Class 9, PI Y963. along with the labeling requirements. Training along with a (SOP) Standard Operation Procedure and has been rolled out within our organization..

The ground "Limited Quantities" I need clarification on. Will our cartons / packages need to be identified with the "Y" Limited Quantity labels. Will our documentation need to identify the shipment as a Limited Quantity, and does the 173.24 General requirements for packaging(s) and packages still apply or will there be additional requirements needed. The ERG, I'm assuming will still remain as 171.

Looking forward to reviewing your reply.

Best Regards