
DEPARTMENT OF TRANSPORTATION
**Research and Special Programs
Administration**
49 CFR Parts 172 and 173

[Docket No. HM-186; Amdt. 172-93, 173-177]

Shipment of Matches

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the requirements in 49 CFR 173.176 pertaining to safety matches and strike anywhere matches. The intended effect of this action is to simplify and clarify the requirements on safety matches and strike anywhere matches, and to remove obsolete requirements and certain requirements having no apparent safety justification.

EFFECTIVE DATE: October 15, 1984. However, compliance with the regulations as amended is authorized on September 13, 1984.

FOR FURTHER INFORMATION CONTACT: Hattie L. Mitchell (202) 426-2075, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Office hours are 9:00 a.m. to 5:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On June 6, 1983, MTB published a notice of proposed rulemaking under Docket No. HM-186, Notice No. 83-3 (48 FR 26650), which proposed to simplify and clarify the requirements in § 173.176 pertaining to safety matches and strike anywhere matches. In the proposed rule, the requirements on safety matches appear in § 173.176 and the requirements on strike anywhere matches appear in a new § 173.176a. Certain requirements that MTB believes are unwarranted were proposed to be removed.

MTB received three comments to the proposed rule. All comments were given full consideration in the development of this final rule. The three commenters

expressed their support of MTB's effort to simplify and clarify the requirements on safety matches and strike anywhere matches.

The Air Transport Association (ATA) requested revision of the entry "matches, safety, book, card, or strike-on-box" in the Hazardous Materials Table (the Table), 172.101, by specifying "None" in column 4 to indicate that a FLAMMABLE SOLID label is not required. ATA pointed out that this revision would eliminate possible confusion and delay of safety matches while transport personnel verify whether or not labels must be affixed to the packages. MTB agrees and is revising the Table accordingly. Also, MTB is revising the entry for safety matches in the Table to show the word "None" in column (5)(b) since DOT specification packagings are not required. A "2" is added in column 7(b) to allow safety matches to be stowed "under deck," as well as "on deck," on a passenger vessel. The entry for strike anywhere matches is revised to show "1" in column 7(b) to continue authorization to stow strike anywhere matches "on deck". The "1" in column 7(b) was inadvertently omitted in the proposed rule.

A match manufacturer requested that MTB clarify the phrase " * * * are securely closed to prevent accidental ignition" in proposed § 173.176a(c). The match manufacturer maintained that it is impossible to control outside factors that may cause accidental ignition of strike anywhere matches, such as (1) matches stored in a building that catches fire, (2) matches transported on a railcar or motor vehicle which overturns, or (3) a package of matches punctured accidentally by operation of a forklift. The manufacturer suggested that proposed § 173.176a(c) be revised by adding at the end of the paragraph " * * * under conditions normally incident to transportation, or by rubbing against adjoining boxes." MTB stated in the preamble of the proposed rule that the intent of the requirement is to prevent movement of the matches within the package, thereby reducing the possibility of accidental ignition of the matches under normal transportation conditions. It is not MTB's intention to protect all possible transportation accidents. MTB is revising § 173.176a(c), and § 173.176(b) which contains a similar requirement, for clarity.

In the proposed rule, MTB solicited comments on the stability criteria for matches which have not been modified since May 12, 1930. Also, MTB invited comments on any other matter related to the safe transportation of matches,

including any pending petitions for rulemaking or outstanding exemptions. MTB received no comment addressing these concerns.

MTB has determined that this final rule is not a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor requires an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*).

Based on limited information available concerning the size and nature of entities likely to be affected by this final rule, I certify that this final rule will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this rule will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

List of Subjects

49 CFR Part 172

Hazardous Materials Transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous Materials Transportation, Packaging and containers.

In consideration of the foregoing, Parts 172 and 173 of 49 CFR are amended as follows:

1. Section 172.101 is amended by revising the following entries:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		Other requirements
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Matches, safety, book card or strike-on box.	Flammable solid	UN 1944	None	§ 173.176	None	50 pounds	50 pounds	1,2	1,2	
	Matches, strike anywhere	Flammable solid	UN 1331	Flammable solid	None	§ 173.176a	Forbidden	Forbidden	1,2	1	

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. Section 173.176 is revised to read as follows:

§ 173.176 Safety matches.

(a) Safety matches (strike-on-box, book, and card) are matches which are intended to be ignited on a prepared surface. Safety matches, when offered for transportation, must be of a type which will not ignite spontaneously or undergo marked decomposition when subjected for eight consecutive hours to a temperature of 200 °F. (93.3 °C.). As used in this section, the term "safety matches" includes matches combined with or attached to the box, book, or card.

(b) Safety matches must be tightly packed in securely closed inside packagings to prevent accidental ignition under conditions normally incident to transportation, and further packed in outside fiberboard, wooden, or other equivalent-type packagings. Safety matches in outside packagings not exceeding 50 pounds gross weight are not subject to any other requirement (except marking) of this subchapter. Safety matches may be packed in the same outside packaging with materials not subject to this subchapter.

3. Section 173.176a is added to read as follows:

§ 173.176a Strike anywhere matches.

(a) Strike anywhere matches are matches which may be ignited by friction on a solid surface. Strike anywhere matches, when offered for transportation, must be of a type which will not ignite spontaneously or under go marked decomposition when one complete inside package is subjected for eight consecutive hours to a temperature of 200 °F. (93.3 °C.).

(b) Strike anywhere matches may not be packed in the same outside packaging with any material other than safety matches. The safety matches must be packed in separate inside packagings.

(c) *Inside packagings.* Strike anywhere matches must be tightly packed in securely closed chipboard, fiberboard, wooden, or metal inside packagings to prevent accidental ignition under conditions normally incident to transportation. Each inside packaging may contain no more than 700 strike anywhere matches.

(d) *Outside packagings.* Strike anywhere matches must be packed in specification packagings as follows:

(1) Spec. 15A or 19B (§§ 178.191 of this subchapter). Wooden boxes, with inside packages. Gross weight must not exceed 100 pounds.

(2) Spec. 12B or 12C (§§ 178.205, 178.206 of this subchapter). Fiberboard boxes, with inside packages. Gross weight must not exceed 60 pounds. Fill-in pieces specified by § 178.205-14 or

§ 178.206-14 of this subchapter are not required.

(49 U.S.C. 1803, 1804, 1808. 49 CFR 1.53; App. A to Part 1)

Issued in Washington, D.C. on September 7, 1984.

L.D. Santman,

Director, Materials Transportation Bureau.

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