



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

OCT 15 1998

Mr. Cooper Collins  
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Ref. No: 98-0283

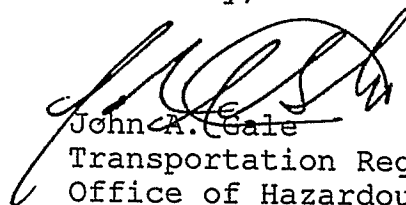
Dear Mr. Collins:

This is in response to your letter dated September 11, 1998, regarding labeling requirements for materials classified as Consumer Commodity, ORM-D under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically you ask whether a flammable aerosol which is properly re-named Consumer commodity and re-classed ORM-D is subject to the Division 2.1 (Flammable Gas) labeling requirement, or any other labeling requirement.

The answer is no. A material properly re-named consumer commodity and re-classed ORM-D is not subject to the labeling requirements of Part 172, Subpart E. The Hazardous Materials Table (§ 172.101) indicates None for the label code in column (6) for the proper shipping name Consumer commodity. Therefore, a material properly re-named Consumer commodity has no labeling requirements under the HMR.

I hope this satisfies your request.

Sincerely,

  
John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards

173.306  
172.101

98-0283

BAH  
\$173.306BRADLEY C. WITHERS  
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September 11, 1998

**VIA FACSIMILE - (202) 366-3012**

Edward Mazzullo  
 Director OHMS  
 U.S. DEPARTMENT OF TRANSPORTATION/RSPA(DHM-10)  
 400 Seventh Street S.W.  
 Washington, D.C. 20590

Re: Request for Official Interpretation of D.O.T  
 Hazardous Materials Regulations

Dear Mr. Mazzullo:

I write to request an official Interpretive Letter  
 addressing/answering the following question:

- Is an air shipment of a 12-ounce can of flammable aerosol (metal lubricant), which is properly re-named "consumer commodity" and re-classed as "ORM-D" material pursuant to 49 CFR § 173.306(h), subject to a "Flammable Gas" labeling requirement, or any labeling requirement?

The answer I am seeking, and anticipate, is "No." I have consulted information specialists from the Hazardous Materials Information Center on numerous occasions, the latest of whom was Arthur Pollack on September 10, 1998, and the joint consensus is that, pursuant to the Table of Hazardous Materials and Special Provisions found in 49 CFR § 172.101, no such labeling requirements exist.


This conclusion was based on the fact that the Table's *Label Codes* column for the *consumer commodity* shipping name reads "None" (as opposed to the '2.1 / Flammable Gas' requirement in

Edward Mazzullo  
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the Label Codes column for flammable "aerosols" not qualifying for consumer commodity re-naming), while the *Hazard Class* column reads "ORM-D" (as opposed to the Table's '2.1 / Flammable Gas' reference in the flammable "aerosols" context). Hopefully, you can confirm the information specialists' conclusion for me.

Thank you, in advance, for your time and for providing me with an official interpretation of the controlling provision(s).

Very truly yours,



COOPER W. COLLINS

CWC:rac

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DATE: September 11, 1998

TIME: \_\_\_\_\_

TO: Name of Person : Mr. Edward Mazzullo  
Company Name : U.S. DEPARTMENT OF TRANSPORTATION  
Telephone No. :  
FAX No. : (202) 366-3012

RE: Case Name : Prolong Super Lubricants  
Our File No. : 419560012

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FROM: Cooper W. Collins

Total number of pages (including this cover page): 3

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Facsimile Operator

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COMMENTS