



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

JUN 28 1999

Mr. Keith L. Mauer  
Warehouse Manager  
Lewis Marine Supply  
Byfield Division  
P O Box 7127  
Pensacola, FL 32514-0217

Ref. No. 99-0079

Dear Mr. Mauer:

This is in response to your letters dated March 22, 1999 concerning the renaming and reclassification of certain hazardous materials as a consumer commodity, class ORM-D.

A consumer commodity is defined as a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use. Therefore, if the packaging exceptions for a hazardous material specifically includes a reference to § 173.156 of the Hazardous Materials Regulation (HMR; 49 CFR Parts 171-180), and the material is packaged in accordance with the limited quantity provisions specified for its hazard class, the material may be renamed "Consumer commodity" and reclassified as ORM-D material, provided it is intended or suitable, (emphasis added) for sale through a retail sales agency or instrumentality for consumption by individuals for purposes of personal care or household use.

Even though a material may not be intended for consumption by individuals for purpose of personal care or household use, as indicated by an advisory notice on the product label prepared by the manufacturer, that determination is not binding on subsequent distributors of the material. For example, some materials that are normally used in industrial applications are frequently found in home workshops of persons who restore



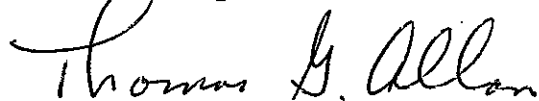
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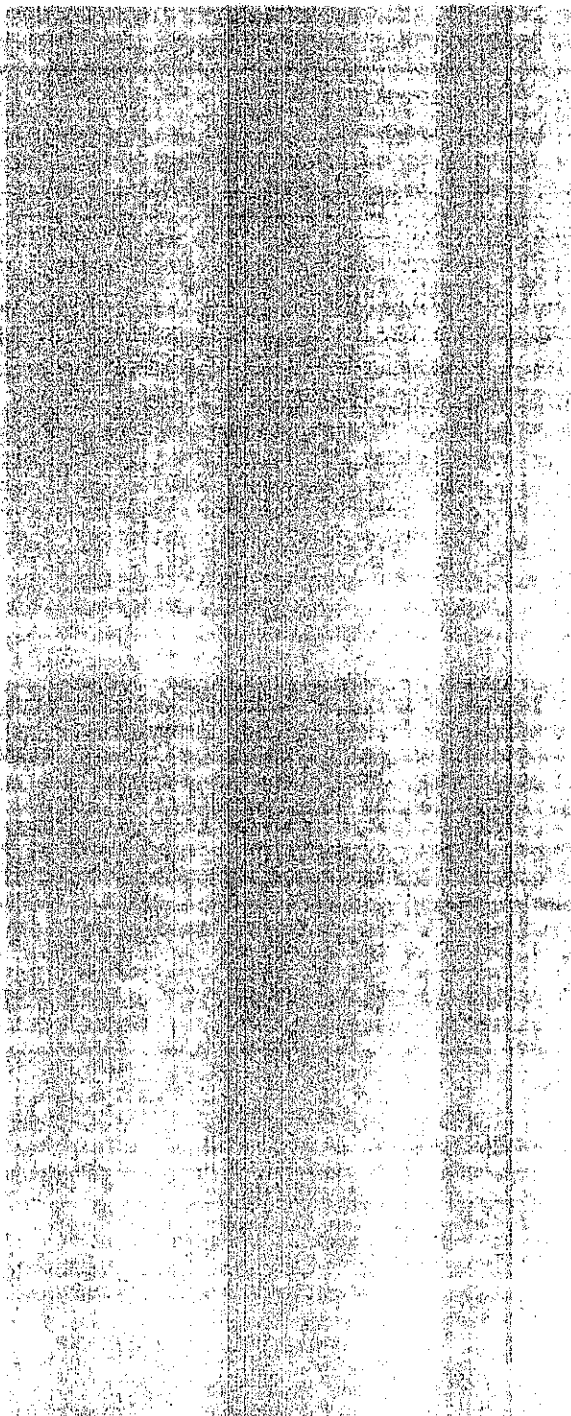
automobiles, furniture and the like. Thus, on the basis of information concerning its customers needs and uses, a reshipper of such hazardous material may independently determine whether a product may be appropriately renamed and reclassified as a consumer commodity, class ORM-D.

I trust this satisfies your inquiry. If you need further assistance, please feel free to contact us.

Sincerely,



Thomas G. Allan  
Acting Director, Office of Hazardous  
Materials Standards



3-22-99

Edward Mazzalla  
Director OHMS  
Department 400  
7th Street S.W.  
Washington D.C. 20590

Dear Mr. Mazzalla

This letter is to address and hopefully clarify the exception procedure for reclassification of Class 3 Flammable Liquids using the exceptions 173.150 process for Limited Quantity then to further use the Consumer Commodity provision. Product is classified as Paint ,3 , UN1263 , PG I I I

The factory states on the MSDS sheet in section 16 - **Other Information** paragraph 3 **For Industrial Use Only**-This product is used by professional, trained personnel using proper equipment and is not intended for sale to , or use by the general public. It also states the same information on the product label under the paragraph for **Industrial Use Only**. A phone conversation with Darren Kumkleman at U.S. Paint supports the product is not a consumer commodity nor is it intended to be sold as a consumer product. This is why they put the information on the product label also.

I strongly feel because of the information provided that the product does not meet the definition of a consumer commodity. Per phone conversation with personnel at your facility tells me no matter what information is in writing, that if the product is packaged in a container that could be used by other products that are suitable for reclassification and it is not a forbidden item in transportation then the product could be reclassified as a consumer commodity. Example Round Paint Can.

If this is true then could all items that are referred to the exception process for 173.150 be reclassified as a consumer commodity . Xylene , Acetone , Denatured Alcohol , Paint Thinners, etc.

What is the use for of all the Factory's to use UN Performance Oriented Packaging for the products when if fact the would not be subject to 173.202 or 173.203 packaging requirements or labeling requirements for LTL Shipments or U.P.S. Shipments.

I currently believe there is alot of confusion over precisely what is and is not a consumer commodity under the D.O.T. definition because what I understand from your facility is the definition of suitable (dictionary definition is similar or matching) means that all products unless they are forbidden or are not subject to a exception as in 173.150 all can be reclassified without regard to whether someone would want to purchase it for home or personal use. All of the training I have received from the HMAAC , UPS and Federal Express and most UN Box Manufacturers leaves almost a clear impression that these items can not be shipped as a ORM-D.

To help clarify this , I have enclosed a MSDS sheet as well as a product label.

I really appreciate your time an effort in helping to resolve and clarify this matter for our company.

Sincerely,  
Keith L. Mauer  
Warehouse Manager

Twitter  
§ 171.8  
Consumer  
Commodity  
99-0079

# MATERIAL SAFETY DATA SHEET

MSDS PREPARATION DATE - 03-12-1997

Prepared by: Environmental, Health & Safety Dept. (314) 621-0525

## SECTION 1 - CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

**MANUFACTURER**  
U.S. PAINT CORPORATION  
831 South 21st Street  
St. Louis, Missouri 63103-3092

**INFORMATION**  
(314) 621-0525

**EMERGENCY**  
CHEMTREC - 800-424-9300 OR 703-527-3887

**PRODUCT CLASS**  
MODIFIED POLYESTER RESIN

**TRADE NAME**  
AWLGRIP® / ALLUMIGRIP® LINEAR POLYURETHANE  
TOPCOAT-GLOSS

**PRODUCT CODE**  
G&H LINES - LEAD FREE

## SECTION 2 - COMPOSITION, INFORMATION ON INGREDIENTS

WEIGHT %	ACGIH TLV/TWA (PPM)	ACGIH TLV/STEL (PPM)	OSHA PEL/TWA (PPM)	OSHA PEL/STEL (PPM)	OSHA PEL/STEL (PPM)	SKIN DESIGNATION	LD50 (mg/kg)	IRRITATION LC50 (PPM/h)	VAPOR PRESSURE (mm Hg @ 20°C)
<b>COMMON NAME</b>									
<b>CHEMICAL NAME</b>									
XYLENE	100	150	100	150	NE	NO	4.3(2)	5000/4	5.1
<b>CAS# 1330-20-7</b>									
DIISOBUTYL KETONE	25	NE	2,6-DIMETHYL-4-HEPTANONE	NE	NE	NO	5.8(2)	NA	1.7
<b>CAS# 108-93-8</b>									
ETHYLENE GLYCOL MONOETHYL ETHER ACETATE	5	NE	2-ETHOXYETHANOL ACETATE	NE	NE	YES	2.9(2)	NA	2
<b>CAS# 111-15-9</b>									
PROPYLENE GLYCOL MONOMETHYL ETHER ACETATE	100	NE	1-METHOXY-2-PROPANOL ACETATE	NE	NE	NO	8.5(2)	NA	3.7
<b>CAS# 108-65-6</b>									

Product ingredients appear on the following carcinogenic listings: (1)ARC (1)NTP (1)OSHA (1)NIOSH (1)ACGIH (X)None  
 NA - Not available  
 MAP - Not applicable  
 (1) - Acute Oral LD50, Rabbit  
 (2) - Acute Oral LD50, Rat  
 (3) - Dermal LD50, Rabbit  
 (4) - Dermal LD50, Rat  
 This product contains pigments which may become a dust nuisance when removed by abrasive blasting, sanding or grinding. Airborne nuisance particulates have an ACGIH TLV for Total Dust of 10 mg/M3.

## POTENTIAL ACUTE HEALTH EFFECTS

**EYES**  
May cause moderate irritation, redness, tearing, and blurred vision. May cause burns.

**SKIN**  
Prolonged or repeated contact can cause moderate irritation, defatting, and dermatitis. Material is readily absorbed through the skin in toxic amounts. Skin contact of high concentrations of vapor may cause irritation and toxic effects, including CNS depression, lung, liver and kidney injury. Symptoms include headache, nausea, vomiting and dizziness. This product has produced fetotoxic and teratogenic effects in laboratory animals when inhaled or absorbed through the skin. Pregnant women should avoid exposure to this product. Sensitizer - Can cause allergic skin reaction which may be severe in certain individuals. Persons with pre-existing skin disorders may be more susceptible to the effects of this material.

**IRRHALATION**  
Can cause nasal and respiratory tract irritation. Can cause CNS effects including fatigue, weakness, headache, dizziness, nausea, vomiting, unconsciousness, coma, respiratory failure and death. Prolonged exposure can cause hearing impairment.

## SECTION 3 - HAZARDS IDENTIFICATION

## INGESTION

Can cause irritation of the digestive tract, nausea, vomiting and diarrhea. Aspiration of material into the lungs can cause chemical pneumonitis which can be fatal.

## POTENTIAL CHRONIC HEALTH EFFECTS

- \* Prolonged and repeated breathing of vapors, spray mist and/or sanding dust over a period of years may cause diseases of the lungs.
- \* Chronic overexposure to iron oxide fumes or dusts has been associated with x-ray changes of the lungs. However, it does not result in illness. Changes are due to a benign lung condition called siderosis or iron pigmentation.
- \* Reports have associated repeated and prolonged occupational overexposure to solvents with brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling this product may be harmful or fatal.

## TARGET ORGANS

Overexposure to this material or its components has been suggested as a cause of the following effects in laboratory animals and/or humans, and may aggravate pre-existing disorders of these organs in humans: reproductive system abnormalities, anemia, birth defects which may include: fetotoxicity, embryotoxicity, infertility and fetal malformations, blood disorders, cardiac abnormality, eye damage, kidney damage, liver abnormalities, lung damage, menstrual and fertility disorders, skin damage, spleen damage, testicular damage, respiratory system, gastrointestinal (GI) tract and central nervous system (CNS).

## SECTION 4 - FIRST AID MEASURES

### PRIMARY ROUTE(S) OF ENTRY

(X) SKIN (X) BREATHING (X) SWALLOWING

### IF IN EYES

Flush eyes with water for at least 15 minutes while holding eyelids apart. Seek medical attention.

### IF ON SKIN

Remove contaminated clothing and flush contaminated skin with large amounts of water. If skin is damaged or if symptoms persist, seek medical attention. Launder clothing before reuse.

### IF INHALED

If symptoms develop, immediately move individual away from exposure and into fresh air. Seek immediate medical attention. Keep person warm and quiet. If individual is not breathing, begin artificial respiration. If breathing is difficult, administer oxygen.

### IF SWALLOWED

DO NOT induce vomiting unless directed to do so by medical personnel. Aspiration of material into lungs can cause chemical pneumonitis which may be fatal. If individual is drowsy or unconscious, place on their side with head down. Seek medical attention. If possible, do not leave individual unattended.

## SECTION 5 - FIRE FIGHTING MEASURES

### FIRE AND EXPLOSIVE PROPERTIES OF THE CHEMICAL:

Flammability Classification: 1C  
 Flashpoint TCC: 27°C 80°F  
 Explosion Level: Low 0.80% High 7.00%  
 Flammability Limits: Lower NA Higher NA  
 Auto-ignition Temperature: 379°C 715°F

### EXTINGUISHING MEDIA

Use carbon dioxide or dry chemical for small fires; alcohol-type aqueous film-forming foam or water spray for large fires. Water may be ineffective but should be used to cool fire-exposed structures and vessels.

### UNUSUAL FIRE AND EXPLOSION HAZARDS

Keep away from heat, sparks and flame. Do not smoke. Extinguish all pilot lights and turn off all sources of ignition, including heaters, fans, and other non-explosion proof electrical equipment, during use and until all vapors are gone. Vapors may ignite explosively. Vapors may spread long distances, and beyond closed doors. Prevent build up of vapors by maintaining a continuous flow of fresh air.

### FIRE-FIGHTING PROCEDURES AND EQUIPMENT

Self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode. In case of fire, use Dry Chemical, Foam, CO2 or other approved method for treating a Class B fire. Summon professional firefighters. During a fire, toxic gases and smoke are irritants present from decomposition/combustion. Closed container may explode when exposed to extreme heat.

**CLEAN-UP:**  
**SMALL SPILL:**  
 Absorb liquid on inert material such as paper, vermiculite, floor absorbent, and transfer to hood.

**LARGE SPILL:**  
 Eliminate all ignition sources (flares, flames, including pilot lights, electrical sparks). Persons not wearing protective equipment should be excluded from area of spill until clean-up has been completed. Stop spill at source, contain area of spill to prevent spreading, pump liquid to storage tank. Remaining liquid may be absorbed with inert material such as sand, clay, earth, or floor absorbent, and shoveled into containers with non-sparking tools. Prevent run-off to sewers, streams, or other bodies of water. If run-off occurs, notify the proper authorities as required that a spill has occurred.

**SECTION 7 - HANDLING AND STORAGE**

**HANDLING:**  
**SENSITIVITY TO STATIC DISCHARGE:** Grounding/Bonding required

**STORAGE:**  
 Keep container light and upright to prevent leakage. Keep container closed when not in use. Do not store above 49°C/120°F. Do not transfer contents to bottles or other unlabeled containers. Protect from freezing. Containers of this material may be hazardous when emptied because they retain product residues (vapor, liquid, and/or solid). When empty, may contain explosive vapors. Do not cut, puncture or weld on or near this container. All hazard precautions given in this data sheet must be observed for empty containers.

**SECTION 8 - EXPOSURE CONTROLS, PERSONAL PROTECTION**

**VENTILATION/RESPIRATORY PROTECTION:**  
 Use only with adequate ventilation. Maintain continuous flow of fresh air. Do not breathe vapors, spray mists, or sanding dusts. Wear appropriate property fitted respirator (NIOSH/MSHA approved) during and after application unless air monitoring demonstrates vapor and particulate levels are below applicable limits. Follow respirator manufacturer's directions for respirator use. Engineering or administrative controls should be implemented to reduce exposure. Provide sufficient mechanical (general and/or local exhaust) ventilation to maintain exposure below TLV(s).

**PERSONAL PROTECTIVE EQUIPMENT:**  
 Do not get in eyes, on skin, or on clothing. Use solvent resistant safety eyewear with splash guards. Solvent impermeable gloves, clothing, and boots should be worn to prevent skin contact.

**SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES**

**PHYSICAL APPEARANCE:** NA  
**ODOR:** NA  
**PHYSICAL STATE:** LIQUID  
**PH:** NA  
**VAPOR DENSITY:** NA  
**BOILING RANGE:** 135-171°C or 278-343°F  
**FREEZING POINT:** NA  
**MELTING POINT:** NA  
**WATER SOLUBILITY:** NA  
**SPECIFIC GRAVITY:** 1.05-1.35  
**FORMULA WEIGHT PER VOL:** 8.73-11.35 lbs/gal.  
**VOC OF MATERIAL:** 476-583 g/l or 3.97-4.95 lbs/gal.  
**EVAPORATION RATE:** 0 (n-butyl acetate = 1)  
**VISCOSITY:** NA  
**% VOLATILE BY WEIGHT:** 35-57  
**% VOLATILE BY VOLUME:** 51-63  
**COEFF OF WATER/OIL DIST:** NA

**SECTION 10 - STABILITY AND REACTIVITY**

**CONDITIONS TO AVOID AND INCOMPATIBILITIES:**  
 Acids, performic acid, aluminum, alkalis, bromine pentafluoride, calcium hypochlorite, hydrazine, oxidizing agents and phosphorous.

**HAZARDOUS DECOMPOSITION PRODUCTS (including Thermal Decomposition):**  
 Carbon dioxide, carbon monoxide, chlorides, toxic fumes, various hydrocarbons, hydrogen chloride, nitrogen oxides and toxic fumes of sulfur oxides.

**POLYMERIZATION:**  
 Will NOT occur.

**STABILITY:**  
 Stable under ordinary conditions of use and storage.

No additional toxicological data available. Please refer to Sections 2 & 3.

**SECTION 12 - ECOLOGICAL INFORMATION**

No ecological data available for this product.

**SECTION 13 - DISPOSAL CONSIDERATIONS**

**WASTE DISPOSAL METHOD:**  
 Dispose of contaminated absorbent, container, and unused contents in accordance with local, state, and federal regulations. Do not incinerate closed containers.

**SECTION 14 - TRANSPORT INFORMATION**

**D.O.T. HAZARD CLASS:** 3  
**D.O.T. PACKAGING GROUP:** III  
**D.O.T. LABEL:** Flammable Liquid  
**D.O.T. PROPER SHIPPING NAME:** Paint  
**D.O.T. PLACARD:** Flammable  
**UN/NA NUMBER:** 1263

**SECTION 15 - REGULATORY INFORMATION**

**FEDERAL REGULATIONS:**  
 SARA 313 INFORMATION  
 This product contains the following substances subject to the reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR Part 372.

**XYLENE:** PCT BY WT: 1-7  
**CAS#:** 1330-20-7

**ETHYLENE GLYCOL MONOETHYL ETHER ACETATE:** PCT BY WT: 21-27  
**CAS#:** 111-15-9

**STATE REGULATIONS:**  
**PER CALIFORNIA'S PROPOSITION 65 - WARNING:** This product contains chemicals known to the state of California to cause birth defects or other reproductive harm.

**SECTION 16 - OTHER INFORMATION**

**IMPORTANT!**  
 This product may be blended with other products prior to use. Read all warnings and precautions on the MSDSs and labels of all products being blended as the combination may contain the hazards of each component.

**WARRANTY:**  
 Any recommendation of U.S. Paint contained herein covering use, utilization, chemical or physical properties and other qualities of the products sold is believed reliable; however, U.S. Paint makes no warranty or representation with respect thereto. Use or application of any U.S. Paint product is at the discretion of the Buyer without liability or obligation whatsoever of U.S. Paint except as expressly warranted or represented in U.S. Paint's published LIMITED WARRANTY.

**FOR INDUSTRIAL USE ONLY**

This product is for use by professional, trained personnel using proper equipment, and is not intended for sale to, or use by the general public.

G&H Line - Lead Free	10-04-1985	R 12-13-1985	R 12-02-1987	R 12-15-1988
Gloss	R 10-31-1989	R 01-28-1990	R 11-14-1990	R 12-16-1993
	R 03-01-1995	R 05-02-1995		

THE INFORMATION CONTAINED HEREIN IS INFORMATION RECEIVED FROM OUR RAW MATERIAL SUPPLIERS AND OTHER SOURCES AND IS BELIEVED TO BE RELIABLE. THIS DATA IS NOT TO BE TAKEN AS A WARRANTY OR REPRESENTATION FOR WHICH U.S. PAINT CORPORATION ASSUMES LEGAL RESPONSIBILITY.