



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 14 2000

Mr. Ron Mihalek
Quality King Distributors, Inc.
2060 Ninth Avenue
Ronkonkoma, NY 11779

Ref. No. 00-0146

Dear Mr. Mihalek:

This is in response to your letter dated May 2, 2000, and subsequent telephone conversation with a member of my staff regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request the definitions of "Hazardous material" and "Consumer commodity" under the HMR, and the requirements for preparation of a Material Safety Data Sheet (MSDS).

The definitions for the terms "Hazardous material" and "Consumer commodity" are provided in § 171.8, a copy of which is enclosed. The HMR apply to the offering of hazardous materials for transportation and transportation of hazardous materials in interstate, intrastate, and foreign commerce. The Department of Labor's Occupational Safety and Health Administration (OSHA) regulates the preparation and maintenance of an MSDS.

I hope this satisfies your request.

Sincerely,


John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards

Enclosure



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Quality King Distributors

2060 Ninth Avenue
Ronkonkoma, NY 11779

BATH

00-0146

May 2, 2000

To Whom It May Concern:

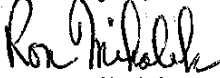
Quality King Distributors, Inc. is a major distributor of health and beauty aids, including various fragrances. Some of these fragrances have an alcoholic base. The fragrances in question, in our opinion, are shipped in such a low quantity, as not to pose a danger in any form.

The fragrances unfortunately, while not falling into the "items of trade" category should be exempt from your Hazardous Materials Registration Program, as are Bic products.

We pray you consider exempting our products as fragrances are in fact "consumer products" as defined by the Consumer Product Safety Act (15 USCA 2051 Et Seq.) and adjudged not hazardous materials. Bic products are exempt under OSHA guidelines (29 C.F.R. 1910.1200(b)(c) and (g)).

We respectfully request you kindly consider the status of fragrances, and rule in our favor putting our "consumer products" in the same category as Bic Corporations products.

Thank you,



Ron Mihalek
Safety Director



Dear Valued Customer:

Thank you for your inquiry concerning a Material Safety Data Sheet (MSDS) for BIC products.

The U.S. Occupational Safety and Health Administration (OSHA) has established regulations regarding hazardous chemical communications (29 C.F.R. 1910.1200 et seq.). The stated purpose of these regulations is to ensure that the hazards of certain chemicals are evaluated and that this information is communicated to employers and employees.

OSHA regulations provide for transmittal of hazardous chemical information by various means, including the preparation and maintenance of an MSDS for each hazardous chemical. A hazardous chemical is defined as any chemical which is a physical or health hazard.

BIC writing instruments, lighters, shavers, correction fluid and correction pens are "consumer products," as defined by the Consumer Product Safety Act (15 U.S.C.A. 2051, et seq.), and not hazardous chemicals. As such, BIC products are exempt from MSDS requirements when they are manufactured, used or distributed pursuant to OSHA guidelines (see 29 C.F.R. 1910.1200(b), (c) and (g)). As a result, an MSDS is not required for consumer products such as BIC writing instruments, lighters, shavers, correction fluid and correction pens.

Should you have any questions or comments regarding this information, please do not hesitate to contact me.

Very truly yours,

BIC CORPORATION

A handwritten signature in black ink that reads "Steven Burgert".

Steven Burgert
Manager of Safety and Medical Services

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