



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

OCT 2 2000

Mr. R. C. Watt
All-Pak, Inc.
4225 Genesee Street
Suite 200
Buffalo, NY 14225.

Ref. No. 00-0166

Dear Mr. Watt:

This is in response to a telephone conversation with Ms. Helen Engrum of this office. You asked whether the provisions in 49 CFR 173.153(c)(2) allow a poison which is a drug or medicine to be shipped as a consumer commodity regardless of whether the poison is in Packing Group III as stated in § 173.153(b).

The answer is yes. The definition of "Consumer commodity" in § 171.8 states that the term includes drugs and medicines. A Division 6.1 material regardless of its Packing Group may be renamed "Consumer commodity" and reclassified as ORM-D, if: (1) it is a drug or medicine listed in the U.S. Pharmacopeia; and (2) the shipping description entry for the material, as listed in the 49 CFR 172.101 Hazardous Materials Table, authorizes a packaging exception in Column (8A) by referencing § 173.153. The reclassified material must be packaged in conformance with § 173.153(c)(2).

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



000166

171-8



Corbin
\$ 171.8
Consumer
Commodity
00-0166

To: Helen Engrum
Company: DOT
Fax: 202-366-3012
From: R. C. Watt
Company: ALL-PAK, INC.
Phone: 716-632-5277
Fax: 716-633-7745
Date: 05/11/00
Pages: 2

Dear Helen,

Would this 1994 letter of interpretation still apply regardless of class, packing group, or quantity?

Very Truly Yours,

Ray Watt

R. C. Watt
Vice President
All-Pak, Inc.
716-632-5277
716-633-7745

*Beulwin
letter
attached*

D

*4225 Genesee St
Ste 200
Buf NY 14225*

470



Hazardous Materials Regulations (HMR;
49 CFR Parts 171-180).

Section 173.154 provides for Packing Group III corrosive materials, in inner packagings not exceeding 4.0 L (1 gallon) net capacity each for or not over 5.0 kg (11 pounds) net capacity each for solids, packed in strong outer packagings as limited quantities. Limited quantities of corrosive materials are excepted from labeling (unless offered for transportation by aircraft), placarding, and specification packaging requirements.

As explained by Ms. Antonielli, although limited quantities are excepted from certain requirements for the HMR because of reduced degree of hazard posed by small amounts, they are regulated hazardous materials. Hazardous materials in limited quantities are subject to the shipping paper requirements in Subpart C of Part 172. Each package must conform to general packaging requirements contained in §§ 173.24 and 173.24a, and may not exceed 30 kg (66 pounds) gross weight. In addition, the package must be properly marked in accordance with Subpart D of Part 172.

I hope this information is helpful. If we can be of further assistance, please feel free to contact us.

Sincerely,

Hattie L. Mitchell, Chief
Exemptions and Regulations Termination
Office of Hazardous Materials Standards

§ 173.154

September 28, 1994

This is in response to your letter dated August 17, 1994, concerning the limited quantity provisions for a material described as a "Corrosive liquid, n.o.s. (contains sodium hydroxide), 8, UN1760, PG III, LTD QTY". You requested clarification on whether your product is excepted from labeling, placarding and specification packaging requirements when packaged

3.151(b)(1)

list 26, 1996

is in response to your letter and subsequent telephone conversation with Sarah Boothe of my staff, requesting clarification on shipping various wipes rated with alcohol/water blends and xylene/toluene blends under the provisions in § 173.150 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Based on information provided, your wipes are Class 4.1, PG II materials. Hazardous materials in Class 4.1, PG II are eligible to be shipped under the limited quantity provisions of § 173.151(b)(1) in inner packagings not over 1.0 kg (2.2 pounds) net capacity each, and are excepted from labeling unless shipped by aircraft from specification packaging. The maximum gross weight of a limited quantity package is 66 pounds. In addition, shipping papers to be prepared and the package to be properly marked.

Basic shipping description for the alcohol/water blend wipes would be: "Solids containing flammable liquids, (Isopropanol), 4.1, UN 3175, PG II" basic shipping description for the xylene/toluene blend wipes would be: "Solids containing flammable liquids, (xylene, toluene), 4.1, UN 3175, PG II"

If your wipes are packaged and distributed in the form intended or suitable for sale through retail outlets for personal or household use, the wipes may be reclassified to "Consumer Commodity", ORM-D material, as defined in § 171.8.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact us.

Sincerely,

Edward F. Billings
Regulations Development
Office of Hazardous Materials Regulations

§ 173.153

November 16, 1994

This is in response to your letter of April 7, 1994, concerning the relevance of distribution method in determining whether a drug or medicine is eligible for a consumer commodity exception. I apologize for the delay in responding and hope it has not caused any inconvenience.

In confirmation of your understanding of the regulations, method of distribution is irrelevant for drugs or medicines. These materials are eligible for consumer commodity exceptions regardless of whether they are suitable or intended for retail sale.

The statement attributed to Mr. Roberts "that any material listed in the U.S. Pharmacopeia would be eligible for shipment as a consumer commodity" is in error. The U.S. Pharmacopeia lists a number of materials that, in undiluted form, may not be drugs or medicines. Therefore, the statement should be revised to read "any drug or medicine listed in the U.S. Pharmacopeia would be eligible for shipment as a consumer commodity."

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Edward T. Mazzullo
Director,
Office of Hazardous Materials Standards

§ 173.154

November 30, 1995

This is in response to your October 4, 1995 letter and subsequent telephone conversation with Ms. Jennifer Antonielli of my staff concerning the labeling requirements for limited quantities of Class 8, Packing Group III materials contained in 49 CFR 173.154. You also stated your understanding is that a material, when excepted from labeling, is not considered a hazardous material under the