



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

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

MAR - 7 2001

Mr. Jason Kob
Infotrac, Inc.
200 N. Palmetto Street
Leesburg, Florida 34748

Ref. No. 00-0244

Dear Mr. Kob:

This responds to your September 7, 2000 letter concerning requirements for shipping a consumer commodity under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about requirements for repackaging consumer commodities.

Your company is a distribution center for retail stores and distributes hazardous materials, "Consumer commodity, ORM-D," and non-hazardous materials. You want to break down the strong outer packaging in which the ORM-D materials were originally transported from the manufacturer and repack the ORM-D materials in strong plastic bins with lids. The bins would then be shrink-wrapped together on a pallet and transported by private, contract, or common carrier from your distribution center to the retail outlets. You ask about the HMR requirements that would apply to such shipments.

As specified in § 173.156(b), packages of materials described as "Consumer commodity, ORM-D" are not subject to the marking requirements in Subpart D of Part 172, and to the 30 kg (66 pounds) gross weight limitation, when unitized in cages, carts, boxes or similar overpacks, and when offered for transportation or transported by a private or contract motor carrier or a common carrier vehicle under exclusive use for such service, from a manufacturer to a distribution center, from a manufacturer or distribution center to a retail outlet, or return. The plastic, shrink-wrapped bins containing the consumer commodities conform to the provisions in § 173.156(b) and, thus, need not be marked in accordance with § 172.312 or § 172.316. Further, the bins need not conform to the overpack requirements in § 173.25.

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

Sincerely,



John Gale

Transportation Regulations Specialist
Office of Hazardous Materials Specialist

Edward Mazzullo
Director of Office of Hazardous Material Standards
US DOT/RSPA/DHM10
400 7th St. SW.
Washington, DC 20590
Fax: 202-366-3012

Engrum
8173.156
173.24
Packaging
ORM-D
00-0244

To Edward Mazzullo:

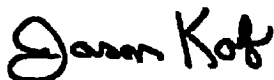
I'm requesting a written interpretation for the following scenario:

My company is a distribution center for retail stores. We distribute ORM-Ds, hazardous materials, and non-hazardous materials. We want to "break down" the ORM-D materials from our Vendor's (original manufacturer's) strong outer packaging into green plastic strong outer receptacles (bins) with lids. We want to "break down" the original ORM-D packaging because our retail outlets may order from us one or two ORM-D materials from a case of 8 or 12. The retail outlets do not need a full case, only one or two consumer commodities from this case, from that case, etc. There will be several different ORM-Ds materials and non-hazardous materials packed together in one green bin. The green bin will be acting as a strong outer packaging (overpack) for the ORM-Ds and the non-hazardous materials. The green bins will then be shrink-wrapped together on a pallet. They will be transported on private or contract or common carrier from our distribution center to our retail outlets.

In this situation, can we break down the ORM-D materials from our Vendor's (original manufacturer) strong outer packaging into green plastic strong outer receptacles (bins) with lids? Do the materials still have to meet the general packaging requirements in 49CFR §§173.24 173.24a? Does absorbent or cushioning material need to be added to each green bin? Is there a weight limit on each green bin, such as 66 lbs. gross weight or are we excepted from the 66 lbs. under §173.156(b)(1)? Is there a weight limit for the palletized unit? Do the green bins have to be marked with the ORM-D marking as required in §172.316? Do we need orientation arrows on the green bins as required in §172.312? Do any of the overpack requirements in §173.25 apply or are we excepted from that as well? ~~Would this apply to the lighters?~~

If you need additional information, please contact me at 352-323-3500.

Thank you,



Jason Kob
Environmental Regulatory Manager