



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

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

OCT 6 2000

Mr. Patrick M. Race
Compliance Officer
Office of Compliance
U.S. Consumer Product
Safety Commission
Washington, DC 20207

Ref. No. 00-0246

Dear Mr. Race:

This is in response to your August 31, 2000 letter, addressed to Mr. James E. Jones, Office of Hazardous Materials Exemptions and Approvals, concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to Federal government personnel who transport or offer for transportation hazardous materials, such as fireworks and butane-fuel cigarette lighters.

Your understanding of the HMR is correct. Hazardous materials transported for noncommercial purposes by government personnel are not subject to the HMR. However, if the purpose is commercial, or if government personnel offer the hazardous materials for transportation to a commercial carrier, then the HMR apply.

You are also correct in your understanding that multi-purpose lighters, also known as grill lighters, fireplace lighters, gas matches, etc., would be described and classified as "Lighters, containing flammable gas, 2.1, UN 1057".

If you need further assistance, please feel free to contact us.

Sincerely,

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



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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Mitchell
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Applicability
00-0246

Patrick M. Race
Compliance Officer
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AUG 31 2000

DO/RSPPA/OHMS
EXEMPTIONS & APPROVALS
00 SEP - 6 AM 9:19

Mr. James E. Jones
Chief, Approvals Officer
Office of Hazardous Material Safety
Research and Special Program Administration
U.S. Department of Transportation
400 Seventh St., NW
Washington, DC 20590

Dear Mr. Jones:

I am writing to request a clarification of the Hazardous Material Regulations (HMR) governing Federal agencies engaging in the transport and shipment of hazardous materials. The United States Consumer Product Safety Commission (CPSC) is an independent, Federal agency that is responsible for protecting the public from dangerous and unsafe products. Our field, technical and compliance staff frequently transport or ship hazardous material including fireworks and butane-fueled cigarette lighters.

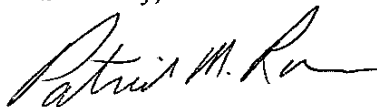
It is my understanding that government agencies are exempt from HMR. However, under certain circumstances, they must comply with those regulations. Is this correct? If so, what are the circumstances when the CPSC is exempt and what are the circumstances when it must comply and follow those regulations?

In addition, the staff is addressing questions regarding the regulation and enforcement of a new standard by the CPSC. This regulation, 16 C.F.R. Part 1212, will become effective on December 22, 2000. It is our understanding that there is not a separate classification for multi-purpose lighters (as defined in 16 C.F.R. §1212.2) under the HMR and they are classified according to 49 C.F.R. §172.101 as "Lighters or Lighter refills cigarettes, containing flammable gas, Class 2.1, UN1057" for purposes of transportation. Is this consistent with Department of Transportation policy and regulations?

Mr. James E. Jones
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I appreciate your feedback and input on these issues. I have attached a copy of 16 C.F.R. 1212 and a picture of a multi-purpose lighter for your convenience. Please feel free to contact me with any questions you or your staff may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick M. Race". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patrick M. Race

Attachments:

Safety Standard for Multi-Purpose Lighters; Final Rule
Photos of Exemplar Multi-Purpose Lighters