



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

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

FEB - 8 2001

Ref. No. 00-0358

Mr. Michael P. Monaghan
Abbott Laboratories
1401 Sheridan Road
North Chicago, IL 60064-4000

Dear Mr. Monaghan:

This is in response to your letter and subsequent telephone conversation with a member of my staff concerning transporting your product as "Consumer commodity" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the lack of an informational product label prohibits a product from being transported as "Consumer commodity, ORM-D."

The answer is no. The HMR do not require informational product labels; however, a consumer commodity package must be marked "Consumer commodity, ORM-D" in accordance with § 172.316.

I hope this information is helpful. Please do not hesitate to contact us if you need additional information.

Sincerely,

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



000358



ABBOTT

McIntyre
~~172.1~~

00-0358

171.8
CONSUMER
Commodity

Pharmaceutical Products Division

Abbott Laboratories
1401 Sheridan Road
North Chicago, Illinois 60064-4000

December 19, 2000

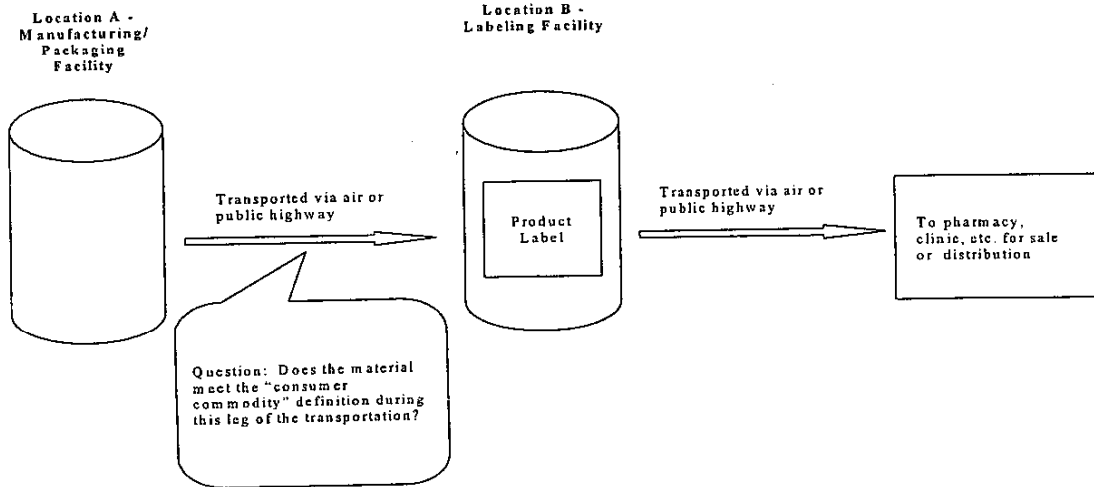
Edward T Massullo
Director, Office of Hazardous Material Standards
USDOT/RSPA (DHM-10)
400 7th Street Southwest
Washington, D.C. 20590

Re: Request For Determination of "Consumer Commodity" Applicability

Dear Mr. Massullo:

Assuming the final, labeled package will be "...suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use.", does a hazardous material packaged in its unlabeled, final container at one location, but shipped to another location for labeling of the container, meet the 49 CFR 171.8 definition of "Consumer commodity" while in transit between the packaging and labeling facilities? Below is a schematic to help clarify the question:

ON PHONE -
MR. MONAGHAN
SAYS HE
IS REFERRING
TO
NON-DOT
INFOR-TYPE
LABELS,
J.M.



Your assistance is greatly appreciated. Please feel free to contact me at (847) 935-7467 if you have any questions.

Sincerely,

Michael P. Monaghan
Michael P. Monaghan
Environmental/Hazardous Material Transportation Manager
D-551, Bldg. A3