



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 4 2001

Ms. Judy Burtch
Director of Health and Safety
Rapid Aid
1.3345 Laird Road
Mississauga, Ontario
L5L 5R6 Canada

Ref. No. 01-0059

Dear Ms. Burtch:

This responds to your letter regarding consumer commodities offered for transportation by air under the U.S. Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Our company manufactures instant cold packs containing approximately two ounces of Ammonium nitrate, UN2072. These cold packs are shipped as part of a first aid kit that contain other non-hazardous components. May first aid kits be renamed "Consumer commodity" and offered for transportation by aircraft?

A1. The answer is yes. A first aid kit containing a hazardous material, that is also a consumer commodity as defined in § 171.8, may be renamed "Consumer commodity", ORM-D if: (1) an exception is shown for the hazardous material in column (8A) of the § 172.101 Hazardous Materials Table; (2) the shipment is packaged as prescribed in the limited quantity and consumer commodity provisions for the hazardous material; and (3) packagings for which retention of liquid is a basic function must be capable of withstanding, without leakage, the internal pressure standards in § 173.27(c) if offered for transportation by aircraft.

Q2. Transport Canada's TDG excepts ammonium nitrate fertilizers from regulation in quantities of less than 13.5 tons when transported from the place of sale to the place of consumption. Does the U.S. have a similar exception?

A2. The answer is No. Based on the classification provided for your product, the HMR do not contain a similar exception for ammonium nitrate fertilizers. Furthermore, a material designated as a hazardous material under the HMR that is not



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subject to the requirements of the TDG Regulations may not be transported in the United States under the provisions of the TDG Regulations. See § 171.12a(b) (2).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

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



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Thursday, February 22, 2001

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards
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(202) 366-3012

Rapid Aid is a manufacturer of Instant and Reusable Hot and Cold Therapy products. Our instant cold packs contain a dry chemical fill and a water ampoule. The standard ratio is a 50:50 mixture of the two by weight. This single use piece of First Aid equipment is obviously a consumer commodity.

Our product is currently classified as an ORM-D for shipment by air. A question has arisen with regards to this classification. We are unsure if a First Aid Kit containing one of these cold packs (containing approximately 2 ounces of Ammonium Nitrate) should be classified in the same manner.

Our research and development team have recently been working on an alternative to the Ammonium Nitrate (dry fill) that we are currently using.

We have developed an alternative fill and we would like clarification on the regulations with regards to this. The alternative is a chemical blend of 59 % Ammonium Nitrate and 41 % Limestone filler. Our supplier has assured us that the mixture is **NOT REGULATED** in Canada for Shipping Class/Division, Product Identification Number or Packing Group. They do not however have specific information with regards to U.S. DOT classification. Our new Instant Cold Pack will contain approximately 35% Ammonium Nitrate by weight. I have attached a copy of the MSDS for your convenience.

Please advise if there is indeed a U.S. DOT classification for this product and how our consumer commodity cold pack should be identified. Also if you could advise as to the question regarding the First Aid Kit classification it would be greatly appreciated.

Our packs range in size from approximately 4 ounces to approximately 10 ounces. The maximum gross weight of any one corrugated carton of cold packs would be approximately 15 lbs.

Thank you in advance for your assistance in this matter. Should you have any questions or concerns, please do not hesitate to contact me.

I look forward to discussing this matter with you in the very near future.



Judy Burtch

Director of Health & Safety
Rapid Aid Ltd./Ltee

1-800-COLDHOT