



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

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

MAY 2 2001

Mr. Michael Miska  
LR International Cosmetic &  
Marketing GmbH & Co. KG  
Gersteinstr. 7  
59227 Ahlen  
Germany

Ref. No. 01-0068

Dear Mr. Miska:

This responds to your letter regarding consumer commodity reclassification and emergency response telephone number requirements under the U.S. Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air. Your questions are paraphrased and answered as follows:

Q1. Our company intends to export Perfumery products, Class 3, UN1266, Packing Group II, to the U.S. Under the HMR, may this product be reclassified ORM-D and renamed Consumer commodity?

A1. The answer is yes. Provided the perfumery products meet the definition of a consumer commodity in § 171.8, you may package them under the limited quantity provisions prescribed in § 173.150(b) and are eligible to rename them under the exceptions for consumer commodities in § 173.150(c).

Q2. May we reclassify and rename our product "Consumer commodity" under the ICAO Technical Instructions?

A2. The answer is yes. Provided the consumer commodity conforms to Special Provision A112 and is packaged according to Packing Instruction 910 of the ICAO Technical Instructions, the proper description would be "Consumer commodity, Class 9".

Q3. Do Consumer commodities, ORM-D or Class 9, require a emergency response telephone number to be included on a shipping paper?

A3. The answer is no. Under § 172.604(b)(2) of the HMR and State Variation US12 of the 2001-2002 ICAO Technical



010068

172.604

Instructions, a material properly described as a Consumer commodity is excepted from the emergency response telephone number requirements.

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 Reinvention  
Office of Hazardous Materials Standards



Stevens  
§ 172.604

Emergency Response Telephone  
Number

01-0068

LR-International · Gersteinstraße 7 · D-59227 Ahlen

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
US DOT / RSPA (DHM-10)  
400 7<sup>th</sup> St., S.W.  
Washington, D.C. 20590-0001

LR-International  
Cosmetic & Marketing  
GmbH & Co. KG  
Gersteinstraße 7  
D-59227 Ahlen  
www.lr-international.com

Telefonzentrale  
Telefon: (023 82) 70 60-0

Bestellannahme  
Telefon: (023 82) 70 60-81  
Telefax: (023 82) 70 60-906/907  
Bestellung@lr-international.com

Vertriebs-/Servicebüro  
Telefon: (023 82) 70 60-72  
Telefax: (023 82) 70 60-311  
Service@lr-international.com

Ahlen, dd 07<sup>th</sup> March 2001

Request for interpretation:  
Emergency response telephone number as per 49CFR 172.604  
for airfreight-shipments according to ICAO-TI / 49 CFR

Dear Mr. Mazzullo,

I have spoken several times with persons of DOT concerning cosmetics per airfreight and the emergency resp. tel. no.

As far as I understand the 49CFR and as far as I understand the persons from the D.O.T., we do not need an emergency response tel.no. on the shipping document, if we are only shipping hazardous goods in limited quantities or as Consumer commodity or ORM-D-material (even in air-transport).

Now, it will be very, very helpful for me to get a written D.O.T. statement, which I can attach then to the shipping documents.  
Otherwise, I will always run in problems during the Cargo Acceptance Check for Dangerous Goods at the airport, because the Carrier is still requiring the emerg.tel.no. on the ICAO-TI- shipping document (because he is afraid of coming in conflict with the D.O.T.).

So. pls. be so kind, and check, if you can confirm the following to me:

Our shipment of Perfumes, classified as UN 1266, Perfumery products, Packing Group II,  
is packed in packagings, which confirm to packing requirements of subpart B of 49CFR.  
We have used Inner Packagings = glass bottles, content max. 100 ml  
and Outer Packagings = cartons 4G with UN-specification  
( "Y"-marking for Packing Group II).

(...2...)

HRA 1866 Amtsgericht Ahlen  
Persönlich haftende Gesellschafterin:  
LR-International Cosmetic & Marketing Verwaltungs GmbH  
HRB 1134 Amtsgericht Ahlen  
Geschäftsführer Helmut Spikler

Bankverbindungen  
Volksbank Ahlen (BLZ 412 625 01) Kto.-Nr. 107 870 700  
Sparkasse Ahlen (BLZ 412 525 55) Kto.-Nr. 32 045  
Dresdner Bank (BLZ 412 800 43) Kto.-Nr. 560 112 500  
Postbank AG Dtmld (BLZ 440 100 46) Kto.-Nr. 2632 19-460

LR-Gesellschaften: Belgien · Bulgarien · Dänemark · Finnland · Griechenland · Großbritannien · Italien · Kroatien · Niederlande  
Norwegen · Österreich · Polen · Portugal · Rumänien · Schweden · Schweiz · Slowakei · Slowenien · Tschechien · Ungarn · USA

Dokument: \\SERV-SNALR2-1\user\$\Miska\Gefahrgut-Management\Post & Fax-Mitteilungen  
Gefahrgutbeauftragter\20010307 Fax DOT.doc  
07.03.01

Page 2 of request for information to D.O.T., Washington

Each carton is allowed to have a max. weight of 30 kg brt.  
The cargo is fulfilling the requirements of Limited Quantities for class 3, 49CFR 173.150(b).

Furthermore, the Perfumeries are packed as Consumer commodity according to 49CFR 173.150(c) and the products are fulfilling the description of Consumer commodity in 49CFR 171.8.

So, it is allowed to reclass the cargo as »ORM-D-material« according to 49CFR 173.150(c).

It is allowed to mark the packages as »ORM-D-AIR« -material according to 49CFR 172.316.

The limitations according to tables for passenger aircraft as per tables in 49CFR 173.27 (and, of course: 49CFR 172.101) are fulfilled.  
Furthermore, the shipment is indeed fulfilling all requirements of 49CFR 173.27 (General requirements for transportation by aircraft). We know, that with the marking of »ORM-D-AIR«, we (as shipper) certify the conformity to 49CFR (properly described, classed, packaged, marked and labeled) and the proper condition of the shipment.

The marking of the boxes is: UN 1266 Perfumery products  
ORM-D-AIR

where the »ORM-D-AIR« -marking is placed following or below the proper shipping name ("Perfumery products") and placed within a rectangle, that is approx. 6.3 mm (0.25 inches) larger on each side than the designation.

Instead of an emergency response telephone number on the ICAO-TI- required shipping paper, the ICAO-TI required shipping paper is showing the information:  
»No emergency telephone response number necessary according to 49CFR 172.604(c).  
ORM-D-AIR-Material, Consumer commodity as per 49CFR 173.150(c), 173.144 and 172.316.«

Pls. confirm to me - if possible - (for my air-carrier, pls.) that it is allowed to ship in this method without showing the emergency response telephone number on the ICAO-TI- required shipping paper and that the Carrier is not in danger of coming in troubles with the D.O.T. because of a missing emerg.resp.tel.no. on the ICAO-TI-shipping paper.


It will be very helpful and appreciated, if the D.O.T. will make it possible to answer very fast, because our urgent shipment is blocked at the airport and the material is needed for Sales-Start in US. So, I would like to ask and beg you very friendly (if possible) to fax your interpretation as soon as possible to one of the telefax-numbers underneath.  
Thanks a lot for all your friendly effort and your very helpful cooperation !


(...3...)

Page 3 of request for information to D.O.T., Washington

For any questions, you can reach me via phone:  
01149-2382-7060-450.  
My fax-nos. are: 01149-2382-7060-459  
or 01149-2382-7060-451.

Again, thank you very much, indeed and best regards,

  
LR-International  
Cosmetic & Marketing GmbH & Co. KG  
Gersteinstr. 7 59227 Ahlen  
Tel. (02382) 7060-4 Fax (02382) 7060-500  
T.A. Michael Miska  
LR-International Cosmetic & Marketing GmbH & Co. KG  
Gersteinstr. 7  
59227 Ahlen  
Germany



STEVENS  
§ 172.101 (b) (3)  
Proper Shipping  
Name



LR-International · Gersteinstraße 7 · D-59227 Ahlen  
Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
US DOT / RSPA (DHM-10)  
400 7<sup>th</sup> St., S.W.  
Washington, D.C. 20590-0001

LR-International  
Cosmetic & Marketing  
GmbH & Co. KG  
Gersteinstraße 7  
D-59227 Ahlen  
www.lr-international.com

Telefonzentrale  
Telefon: (023 82) 70 60-0

Bestellannahme  
Telefon: (023 82) 70 60-81  
Telefax: (023 82) 70 60-905/906/907  
Bestellung@lr-international.com

Vertriebs-/Servicebüro  
Telefon: (023 82) 70 60-72  
Telefax: (023 82) 70 60-311  
Services@lr-international.com

Ahlen, dd 15<sup>th</sup> March 2001

Our Request for interpretation dd 07<sup>th</sup> March 2001:  
Emergency response telephone number as per 49CFR 172.604  
for airfreight-shipments according to ICAO-TI / 49 CFR

Dear Mr. Mazzullo,

this is in addition of our request for interpretation, dated 07<sup>th</sup> March 2001.

At first, I want to clarify that the request concerns international air-transport from Europe to U.S.

Unfortunately, there is a mistake in the request dd 07<sup>th</sup> March 2001.  
On page 1 pls. read: »(...) which confirm to packing requirements of Part 173, subpart B of 49CFR.«  
[instead of: »which confirm to packing requirements of subpart B of 49CFR«].

At least, I want to add my understanding of CFR, that according to 172.101 (b) (3) it should be possible, to use an alternate proper shipping name for the ORM-D, when either domestic (US) and international transportation is involved. We are using „Perfumery products“ (UN 1266), here. An alternative may be: „Consumer commodity“ (as per ID 8000 acc. to ICAO-TI).

To make things easier, I have corrected / completed the request and attached to this letter. Sorry for causing any inconvenience.

Best regards

Michael Miska

Enclosure

HRA 1866 Amtsgericht Ahlen  
Persönlich haltende Gesellschafterin:  
LR-International Cosmetic & Marketing Verwaltungs GmbH  
HRB 1134 Amtsgericht Ahlen  
Geschäftsführer Helmut Spilcker

Bankverbindungen  
Volksbank Ahlen (BLZ 412 625 01) Kto.-Nr. 107 870 700  
Sparkasse Ahlen (BLZ 412 525 55) Kto.-Nr. 32 045  
Dresdner Bank (BLZ 412 800 41) Kto.-Nr. 560 112 500  
Postbank AG Dtm (BLZ 440 100 46) Kto.-Nr. 2632 19-460

LR-Gesellschaften: Belgien · Bulgarien · Dänemark · Finnland · Griechenland · Großbritannien · Italien · Kroatien · Niederlande  
Norwegen · Österreich · Polen · Portugal · Rumänien · Schweden · Schweiz · Slowakei · Slowenien · Tschechien · Ungarn · USA