



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

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

APR 25 2002

Ref. No. 02-0077

Mr. Alex Olcese
AllChem Industries
6010 NW First Place
Gainesville, FL 32607

Dear Mr. Olcese:

This is in response to your letter requesting confirmation of your understanding of the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) concerning "Consumer commodity," ORM-D and the exceptions in §§ 173.152 and 173.156. You state that your product was initially classified as "Trichloroisocyanuric acid, dry," PG II and is in tablet form. Each tablet weighs seven ounces and is wrapped in a heat-sealed cellophane inner packaging. The tablets are placed in a five-pound capacity plastic pail (strong outer packaging) and the pails are placed into a fiberboard box (overpack) and transported by ground. Your questions are paraphrased and answered below.

Q1. Is the heat-sealed cellophane inner packaging and the plastic pail strong outer packaging considered a non-specification combination packaging under the HMR?

A1. Provided the heat-sealed cellophane and the plastic pail meet the "inner packaging" and "strong outside container" definitions, respectively, in § 171.8, and the requirements in §§ 173.24 and 173.24a, the answer is yes.

Q2. Is the fiberboard box considered an overpack under the HMR?

A2. Provided the fiberboard box meets the definition for "overpack" in § 171.8 and the requirements in §§ 173.24 and 173.24a, it is authorized as an overpack under the HMR.

Q3. My understanding is that if the packaging conforms to § 173.152(b), the 66 pound gross weight limit applies and if the packaging conforms to § 173.156(b)(1), the 66 pound gross weight limit does not apply. Is this correct?

A3. Yes.



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173.152

Q4. What additional exceptions are authorized?

A4. As provided in § 173.156(b)(1), in addition to the exception from the 66 pound gross weight limitation, ORM-D materials are excepted from the strong outer packaging requirement and the marking requirements in subpart D of part 172 when the materials are: 1) unitized in cages, carts, boxes or similar overpacks; 2) offered for transportation or transported by a private or contractor motor carrier or a common carrier vehicle under exclusive use for such service; and 3) transported from a manufacturer to a distribution center, or from a manufacturer or distribution center to a retail outlet or return.

Q5. Based on the information in my letter, are the ORM-D materials being transported by ground excepted from the specification packaging, labeling, placarding, shipping paper and marking requirements?

A5. Provided the provisions in §§ 173.152 and 173.156 are met, the answer is yes.

I hope this information is helpful. Please contact this office if we can be of further assistance.

Sincerely,



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



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McIntyre
§ 173.152(c)
§ 173.156
Consumer Commodity
ORM-D
02-0077

March 11, 2002

Via E-Mail

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
(DHM-10)
Research and Special Programs Administration
Department of Transportation
Washington, D.C. 20590

Dear Mr. Mazzullo:

This letter requests written confirmation of an interpretation the DOT Hotline provided on March 7, 2002. According to our interpretation of the DOT Hazardous Materials Regulations (HMR) (49 C.F.R. Parts 171-180), and consistent with the Hotline staff view, we seek written confirmation that tablets of a chemical used to chlorinate swimming pools may be shipped as "Consumer Commodity, ORM-D" under the conditions described below.

The material is classified as "trichloroisocyanuric acid, dry." It is in tablet form. Each tablet weighs seven ounces. Tablets are individually heat sealed in cellophane, then placed in plastic pails fitted with secure childproof lids. Each pail holds up to five pounds of product. The pails are vented to prevent harmful build-up of gases, but the design will not allow tablets to pass through the pail, even in the unlikely event they are crushed in transport and the heat sealed cellophane fails to contain them. Closed pails containing the cellophane-sealed tablets meet the requirements of Subpart B of Part 173. Closed pails are placed in a crushproof fiberboard box. All shipments are by ground.

Column 8A of the Hazardous Materials Table (HMT) at 49 C.F.R. Section 172.101, in the entry "trichloroisocyanuric acid, dry" provides a packaging exception at Section 173.152. The consumer commodity exception is found at Section 173.152(c). As one condition of using the consumer commodity exception, all requirements for the limited quantity exception in Section 173.152(b) must be met. If all other conditions for the consumer commodity exception are met, the exceptions provided in Section 173.156 are also available for the shipments.



Mr. Edward T. Mazzullo
March 11, 2002
Page 2

We interpret these provisions, acting together, to apply to the shipments described above in the following way:

- (1) The heat-sealed cellophane protecting each tablet is an inner packaging of a combination packaging.
- (2) The five-pound capacity plastic pail is the strong outer packaging required, and acting with the inner packaging described in (1), constitutes a non-specification combination packaging.
- (3) The fiberboard box is an overpack that provides an extra measure of safety in transportation.
- (4) The 66 pound gross weight limit found in Section 173.152(b) applies to each pail. If a shipment conforms to all requirements of Section 173.156(b)(1), however, the 66 pound gross weight limit no longer applies.
- (5) Conditions for additional exceptions allowed by Section 173.156(b)(1) are met when a contract motor carrier transports pails, overpacked in a crushproof fiberboard box from one offeror (the manufacturer) to a distribution center or retail outlet by ground.
- (6) Using the exceptions cited above, the shipment is not subject to labeling, specification packaging, placarding, shipping papers, or marking.

We would appreciate your written confirmation of this interpretation. If you have questions concerning the facts, please contact me at (352) 333-7321.

Sincerely,

Alex Olcese

Alex Olcese
Chief Operating Officer