



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

APR 11 2003

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

Mr. Thomas M. Sassor, Sr.
Regulatory Compliance Coordinator
Diamond Products Company
P.O. Box 1777
Mango, Florida 33550

Ref. No. 03-0015

Dear Mr. Sassor:

This responds to your January 9, 2003 letter requesting clarification on marking requirements for aerosol packagings containing Consumer Commodity, ORM-D, materials under §§ 173.306(a)(3) and 173.306(h) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

According to your letter, you were advised that provisions in § 173.306(a)(3), require that each of the outside packagings containing your Consumer Commodity, ORM-D, aerosol material is required to be marked "Inside Containers Comply With Prescribed Regulations." It is your understanding that under § 173.306(h), no markings are required on the inner or outer packagings due to the special exceptions for shipments of aerosols in the ORM-D class.

The exception in § 173.306(a)(3) is limited to aerosol containers not exceeding one liter capacity in which one or more gases are used to expel other material that is a liquid, paste, or powder. In order for your aerosol product to be renamed consumer commodity, and reclassified as ORM-D: (1) the product must meet the definition for consumer commodity in § 171.8; and (2) the product must conform to the packaging requirements in 173.306(h). As provided in § 173.306(h)(1), outside packagings containing aerosols reclassified as ORM-D are not required to be marked "Inside Containers Comply with Prescribed Regulations." As prescribed in § 173.306(a)(3)(ii), a specification DOT-2P must be used if the pressure in the container exceeds 140 psig at 130 F, but does not exceed 160 psig at 130 F. A specification DOT-2Q must be used if the pressure in the container exceeds a 160 psig at 130 F. In this instance, these specification inner containers must be marked DOT-2P or DOT-2Q, as appropriate.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



030015

173-306



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Booth #
§ 173.306
Markings
03-2015

January 9, 2003

Director, Office of Hazardous Materials
United States Department of Transportation
400 7th Street SW
Washington, DC 20590-001

Dear Madam or Sir,

I contacted the US DOT Hazardous Material Info Center by phone on the morning of January 8, 2003 and requested clarification on the marking requirements for aerosol packagings holding consumer commodities reclassified as ORM-D and got this verbal response from the DOT Representative, "Kurt":

- a.) DOT markings (e.g. DOT-2P, DOT-2Q, etc.) are not required on these particular packagings because 49CFR Part 173.306 (a)(3) provides that when in a metal container for the sole purpose of expelling a nonpoisonous liquid, paste or powder, each outside packaging must be marked "inside containers comply with prescribed regulations". However, 49 CFR Part 173.306 (h) goes on to say that a limited quantity which conforms to the provisions of 49 CFR Part 173.306(a)(1), 49 CFR Part 173.306(a)(3), or 49 CFR Part 173.306(b) and is a consumer commodity as defined in 49 CFR Part 171.8 may be reclassified as ORM-D and the outside packagings are not required to be marked "inside containers comply with prescribed regulations". Therefore, no markings are required on the inner or outer packagings due to the special exceptions for shipments of aerosols in the ORM-D class.

In light of this development, I would ask that you please confirm "Kurt's" finding by providing a formal interpretation of the marking requirements for aerosol packagings holding consumer commodities reclassified as ORM-D.

Best Regards,
Diamond Products Company

Thomas M. Sassor, Sr.
Regulatory Compliance Coordinator