



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

MAY 19 2004

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

Dr. John S. Hibbard  
President, CEO  
J & A Companies, L.L.C.  
Suite 4  
5816 W. 87<sup>th</sup> Terrace  
Overland Park, KS 66207

Ref. No. 03-0175

Dear Dr. Hibbard:

This responds to your letter regarding the requirements for your consumer product under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether your product, a hand sanitizer, may be reclassified as an ORM-D and renamed "Consumer Commodity." Your consumer product consists of 71% flammable liquids, has a flash point of 77° F, and is sold on the Internet to retail customers. It is packaged in conformance with § 173.150(b). I apologize for the delay in responding.

The answer is yes. A consumer commodity, as defined in § 171.8, is a material packaged and distributed in a form suitable for retail sale or consumption by individuals for purposes of personal care or household use. It is our opinion that your product meets these conditions and may be reclassified as an ORM-D and renamed "Consumer commodity."

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

Sincerely,

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



030175

§172.101

Stevens  
§172.101  
Classification  
03-8175

**Germ Out®**

"the invisible antibacterial glove"™

a product of J & A Companies, L.L.C., Suite 4, 5816 W. 87th Terrace, Overland Park, KS 66207, Telephone (800) 222-7194, Fax (406) 728-6447

Facsimile Transmission

DATE: July 14, 2003

TO: Attention: Mr. Mike Stevens  
Office of Hazmat Standards

FROM: John Hibbard

FAX NO: 202-366-3012

cc:

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: Two

Subject: Hazmat Classification for Germ Out

Dear Mr. Stevens:

Thank you very much for your help and advice during our telephone conversation this morning. Per our telephone conversation, we are requesting a hazmat classification for Germ Out. Germ Out is a Hand Sanitizer sold on the Internet to retail customers and distributors. Germ Out contains 65.87 wt % Ethyl Alcohol with Acetone 5.0 wt % as a denaturing agent. The flash point is 77° F.

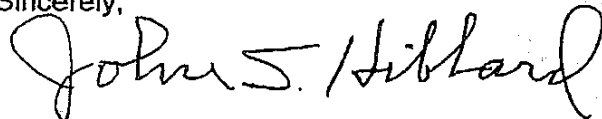
Germ Out is packaged in 1 gallon high density polyethylene (HDPE) bottles sealed with plastic foil and a tight screw cap lid. Four gallon bottles are placed in a strong fiberboard shipping cartons with dividers between each bottle. Each shipping carton weighs approximately 32 pounds.

In addition, we sell 4 oz bottles of Germ Out. Each bottle is HDPE with a tight screw cap flip-top lid. Twenty-four bottles are placed in strong fiberboard cartons for shipping. An insert in the shipping carton prevents the flip-top lid from opening during shipping. Each carton weighs approximately 4 pounds.

Will you please confirm by facsimile and/or letter that Germ Out, as described above, would be classified and can be shipped as an ORM-D material consumer commodity.

Thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "John S. Hibbard". The signature is written in a cursive style with a large initial "J".

John S. Hibbard, Ph.D.  
President, CEO  
J & A Companies, L.L.C.

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