



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

MAY 26 2004

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

Mr. Ken Holloway  
Vice President  
Safety Specialist, Inc.  
14261 Maple Hollow Lane  
Charlotte, NC 28227

Ref. No.: 04-0056

Dear Mr. Holloway:

This responds to your letter dated March 12, 2004, concerning requirements for shipping consumer commodities under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked for confirmation of your understanding of the requirements for reclassifying a material described as "Chloroform, 6.1, UN 1888, III" as a consumer commodity. This product is used in dentist offices to soften gutta percha (a rubber like compound).

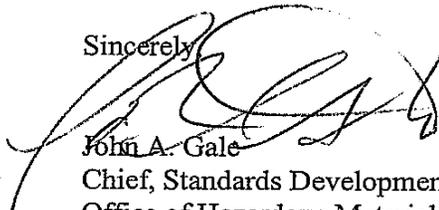
In general terms, a consumer commodity, as defined in 171.8, is a material that is packaged and distributed in a form intended or suitable for retail to consumers, even if not specifically so intended, and that may, in fact, be used in some other fashion. In order for your product to be reclassified as a "Consumer commodity, ORM-D," it must meet the definition for consumer commodity in §171.8. In addition, the packaging exception, referenced in Column "8A" of the § 172.101 Hazardous Materials Table, must allow an exception for shipment as a ORM-D material, and the material must be packaged for shipment in accordance with the limited quantity packaging provisions for that class of material.

Your understanding is correct that your product described as "Chloroform, 6.1, UN 1888, III" qualifies to be reclassified and renamed "Consumer commodity, ORM-D" and shipped in accordance with the limited quantity packaging exceptions in §173.153. Packages containing ORM-D material must be marked in accordance with §172.316. Exceptions for shipment of a material described as "Consumer commodity, ORM-D" are provided in §173.156.

For your information, under §173.153, except for drugs and medicines, inner packaging for which may not exceed 250 mL (8 ounces) for liquids and 250 g (8.8 ounces) for solids, the correct inner packaging limitation for liquid poisonous materials in Packing Group III is 5 L (1.3 gallons) net capacity each, packed in a strong outer packaging.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

  
John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



040056

171.8  
173.153

# SAFETY SPECIALISTS, INC.

Hazardous Materials Advisors

March 12, 2004

Edward T. Mazzulo, Director  
Office of Hazardous Materials  
Standards, RSPA  
US Department of Transportation  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590

Dear Mr. Mazzulo,

I am writing on behalf of Sultan Chemists, Inc. We are requesting verification of our understanding of product reclassification to Consumer Commodity ORM-D in accordance with the Hazardous Materials Regulations (49 CFR Parts 100-180).

ORM-D Consumer Commodity guidelines for  
liquid or solid poisonous (toxic) materials  
49 CFR 173.153 and 171.8

The general guidelines to qualify for the consumer commodity exception are:

1. Must be referenced in 49 CFR Part 172.101 Column 8A.
2. Packaging must be combination packagings.
3. Each package must conform to the packaging requirements of Subpart B (closures must be secured so they do not loosen in transit, etc.).
4. The completed package may not exceed 30 kg (66 lbs.) gross weight.
5. Liquids in combination packagings; each inner packaging may not exceed 4.0 L (1 gallon) (except toxic drugs or medicines). Drugs and medicines 250 ml (8 ounces) net.\*
6. Solids in combination packagings each inner packaging may not exceed 5.0 kg (11 lbs.), (except toxic drugs or medicines). Drugs and medicines 250 gm (8.8 ounces) net.\*
7. The product is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities.
8. The product is or can be suitable for consumption by individuals for the purposes of personal care or household use.

\* 49 CFR 173.153(c)(2)

14261 Maple Hollow Lane ♦ Charlotte, NC 28227  
(704) 573-0955 Fax: (704) 545-5130

Website: <http://www.hazmathelp.com>

Email: [Ken@hazmathelp.com](mailto:Ken@hazmathelp.com)

Engram  
§ 171.8  
§ 173.153  
Consumer Commodity  
04-0056

We have researched your previous letters on this topic. We feel this product or any product that meets all of the requirements is eligible to be reclassified.

This product is Chloroform N.F. The proper description for this product is Chloroform, 6.1, UN 1888, III. According to the Hazardous Materials Table, it is eligible for the toxic materials exception in 49 CFR 173.152. We feel that this product, used in dentist offices, to soften gutta percha (a rubber like compound) is similar in usage to the materials named in several recent letters of clarification. See 00-0229, 03-0073 and 99-0067.

We have found the same grade of Chloroform available for retail sale on the internet site E-bay. We have documentation from several sources including OSHA's Occupational Safety and Health Guidelines for Chloroform uses that indicate possible personal or household uses. Chloroform is used as a solvent of lacquers, plastics, fats, greases, etc. It is used in photographic processing. It can also be used as a soil or grain fumigant or an insecticide.

Please confirm that this product, as described, is eligible for the consumer commodity exception.

If you have any questions or need further information, please contact me at 704-573-0955 or [ken@hazmathelp.com](mailto:ken@hazmathelp.com).

Thank you.

Yours truly,



Ken Holloway  
Vice President