



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

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

JUN 24 2004

Mr. Eric Barcaskey  
Hazardous Materials Transport Compliance  
Valspar  
1101 South Third Street  
Minneapolis, MN 55415

Ref. No. 04-0128

Dear Mr. Barcaskey:

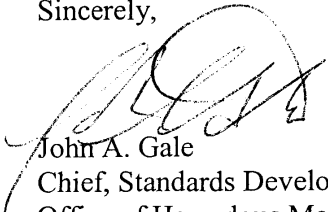
This responds to your June 1, 2004 letter requesting clarification on packaging requirements for consumer commodities under § 173.25(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether your method of aerosol packaging stretch wrapped to a pallet as provided in your enclosed photograph meets the requirements of § 173.25(b).

According to your letter, you ship aerosol cans that may contain materials that meet either Class 3 and or Division 6.1 under the HMR. You state that your products also meet the defining criteria in Part 173 for a limited quantity and consumer commodity under §§ 173.306(a)(3), 173.306(h) and 171.8. You ask if your proposed aerosol packaging meets the requirements of § 173.25(b). In addition, you ask if there is a weight limit for these packages stretch wrapped to a pallet.

It is the opinion of this Office that your proposed aerosol packaging does meet the requirements of § 173.25(b). Section 173.25 (b) does not specify a weight limit for such packages stretch wrapped to a pallet.

I hope this answers your inquiry.

Sincerely,

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



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**Valspar**1101 South Third Street  
Minneapolis, MN 55415Boothe  
§173.25  
ORM-D  
04-0128

June 1, 2004

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

Regulation: 49CFR §173.25 (b)

Dear Mr. Mazzullo,

The Valspar Corporation, a global producer of paints and coatings respectfully submits this request for interpretation of a packaging schema for Aerosol cans by highway transportation.

The attached photo of six packaged aerosol cans generally describes the proposed packaging. The aerosol cans may contain materials that meet UN1263 (Class 3), or may contain materials of both UN1263 and Division 6.1 Packing Group III, with a flammable propellant. All of these are candidates for Consumer Commodity/ORM-D per 173.306 (a)(3) and 173.306 (h).

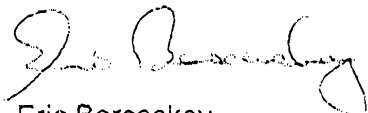
Q.1) Does the attached package product, subject to the 20 kg (44 lb) gross weight, meet the provisions of 49CFR 173.25 (b)?

Q. 2) If the above answer is yes, is there a weight limit for a pallet of product, stretch-wrapped to the pallet?

Thank you for your interest in this matter; we look forward to your written reply but may also begin shipment based on your verbal reply.

Please do not hesitate to contact me with any questions.

Thank you in advance for your guidance.



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