



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

OCT 26 2005

Mr. William Regan
President, CMP Industries LLC
413 No. Pearl Street
Albany, NY 12207

Ref. No. 05-0224

Dear Mr. Regan:

This is in response to your request for clarification of the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to hazardous materials authorized to be transported under the proper shipping name "Consumer commodity." Specifically, you ask whether "Methyl methacrylate monomer, stabilized," UN1247 and "Ethyl methacrylate, stabilized," UN2277 may be transported as "Consumer commodity," ORM-D.

The answer is yes, provided certain conditions are met. For the entries "Methyl methacrylate monomer, stabilized," UN1247 and "Ethyl methacrylate, stabilized," UN2277, § 173.150 is referenced in Column (8A) of the Hazardous Materials Table (HMT). Section 173.150 authorizes UN1247 and UN2277 to be renamed "Consumer commodity" and reclassified as ORM-D provided the packages meet the limited quantities provisions in § 173.150(b) and are consumer commodities as defined in § 171.8 (see § 173.150(c)). Therefore, if the inner packages for your Packing Group II materials are not over 1.0 liter (0.3 gallon) net capacity each and are suitable for sale in retail outlets, your materials may be transported as "Consumer commodity," ORM-D. As provided in § 173.150, the inner packages must be packed in a strong outer packaging not to exceed 30 kg (66 pounds) gross weight each, and each packaging must conform to the packaging requirements of Subpart B of Part 173.

In addition to the exceptions in § 173.150(b), ORM-D materials are not subject to shipping paper requirements unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and



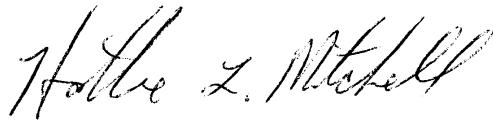
050224

172.101
172.150

transported by aircraft. ORM-D materials are also eligible for the exceptions provided in § 173.156. Please note that the HMT contains a "D" in Column (1) for the "Consumer commodity" entry (see § 172.101(b)(3)).

I hope this information is helpful. Should you have additional questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, reading "Hattie L. Mitchell". The signature is written in a cursive style with a large, stylized "H" and "M".

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

INFOCNTR <PHMSA>

From: Mrs Phyll Tabone [tabonep@cmpindustries.com]
Sent: Wednesday, August 03, 2005 4:21 PM
To: INFOCNTR <PHMSA>
Subject: Fw: from William Regan, President, CMP Industries LLC

*McIntyre
 § 172.101
 Proper Shipping Name
 05-0224*

MR. WILLIAM REGAN,
 PRESIDENT
 CMP INDUSTRIES LLC
 413 NO. PEARL STREET
 ALBANY, NY 12207

PHONE # 518 434-3147
 FAX # 518 434-1288

Edward Mazzullo
 Director
 Office of HAZMAT Standards

THE FOLLOWING MESSAGE IS BEING SENT ON BEHALF OF MR. WILLIAM REGAN, PRESIDENT, CMP INDUSTRIES LLC

Dear Mr. Mazzullo,

I am writing at the recommendation of one of your staff members (Eileen).

I wish to inquire about the proper shipping method for methyl methacrylate monomer - a flammable which appears in table 172.101 of CFR 49.

By way of explanation, this chemical is combined with powder to make the hard pink plastic portion of a "denture". Dentures are fabricated by dental laboratories for dentists.

CMP presently treats this chemical as a HAZMAT material, and the packaging (labeling) reflect this.

See the "E" photos of the attachment. However, three large dental distributors are shipping this product as a consumer commodity (labeled "ORM-D").

My question to you is - "Who's right?"

The attachment contains photos of the methyl methacrylate products which we ordered from three dental distributors. Here is the code:

"A" photos
 Brand: Millenium
 Company: Mizzy
 Cherry Hill, NJ
 800 / 333-3131
 Distributor: Zahn Dental Co. (NY)

"B" photos
 Brand: Sledgehammer
 Company: Keystone
 Cherry Hill, NJ
 800 / 333-3131

9/12/2005

Distributor: Lincoln Dental Co. (NJ)

"C" photos

Brand: Perma-cryl CF

Company: GC Lab Technologies

Alsip, IL

800 / 323-7063

Distributor: Zahn Dental Co. (NY)

"D" photos

Brand: Millenium

Company: Mizzy

Cherry Hill, NJ

800 / 333-3131

Distributor: Darby Dental Co. (NY)

"E" photos

Brand: Ora-tone

Company: CMP Industries

Albany, NY

800 / 833-2343

Distributor: CMP Industries

If you require more information, please contact me. I await your comment.

Sincerely,

William Regan

President

CMP Industries LLC

413 NO. PEARL STREET

ALBANY, NY 12207

PHONE # 518 434-3147

FAX # 518 434-1288

P.S. Would your ruling on "methyl" methacrylate also apply to "ethyl" methacrylate? It also appears on table 172.101 and is used for certain dentures.

WR/pt

Attachments

9/12/2005

