



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

DEC 15 2005

Mr. Robb Boros
Patterson Dental Supply, Inc.
1905 Lakewood Drive
Boone, IA 50036

Ref. No. 05-0272

Dear Mr. Boros:

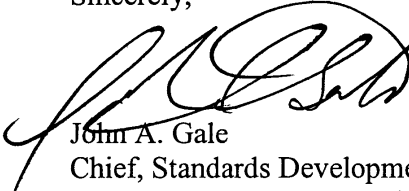
This is in response to your October 27, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a specially packaged bonding solution meeting the definition of a Class 3 flammable liquid in Packing Group II is subject to the HMR.

According to your letter, your company intends to distribute promotional samples of a bonding solution. Each sample consists of one capsule, with a total volume of 0.1 ml further packaged in foil. The capsule must be opened with a counter-clockwise twist of the cap and an applicator is used to retrieve the solution. You further state that liquid did not flow from the capsule when the cap was removed, and the capsule was inverted.

Although the capsule contains a small amount of a flammable liquid, it is our opinion that the packaging procedures and methods you use for shipment of the promotional samples mitigate the minimal hazard that may be present during transportation. Therefore, in accordance with § 173.120(d), samples of the bonding solution that are packaged as described above are not subject to regulation under the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



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



050272

173.120(d)



heary
§173.120(d)
Definitions
05-0272

October 27, 2005

Dear Ms. LeValle

As provided by 49 CFR 173.120(d) I am requesting a determination that the device presented herein is not subject to the Hazardous Materials Regulations.

The material in question is a Class 3 PGII flammable liquid packaged in a black capsule and further packed in a foil (Appendix A). The total volume per capsule is 0.1ml. The capsule is opened with an anti-clockwise twist of the cap (Appendix B). When the cap is removed, one of the green applicators is used to retrieve the bonding solution. When the cap is removed and the capsule inverted, the liquid did not flow from the capsule.

Appendix A shows the contents of the sample package we intend to send to customers. There is a sellable version of this product that contains 50 of the black capsules packaged the same as in the sample below I have coded to ship as a consumer commodity

I am very aware of the normal time frame required to receive, review and respond to this type of request. This item is sampling of a new product and my company was scheduled to start a promotion using these samples on October 26, 2005. Upon discovering that the bonding chemical is hazardous, we've delayed the shipping of the samples in order to find a practical means to package them. Sending such samples as ORM or under the 173.4 exception is impracticable. These samples are the focal point of a dated promotional offer to existing customers. Any assistance to expedite a response would be greatly appreciated.

If there are any questions or additional information is required, please contact me at 515.433.1700 or on my cell phone at 515.230.0337.

Thank you for all your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robb Boros', is written over a horizontal line.

Robb Boros
Compliance Coordinator
Patterson Companies, Inc

Central Distribution Center

1905 LAKEWOOD DRIVE • BOONE, IA 50036 • PHONE (515) 433-1700 • FAX (515) 433-1701

An Employee Owned Company

Appendix A

Free Sample-Not For Resale

G-BOND™ Unit Dose

ONE COMPONENT SELF-ETCHING LIGHT-CURED ADHESIVE

For use only by a dental professional in the recommended indications.

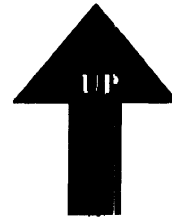
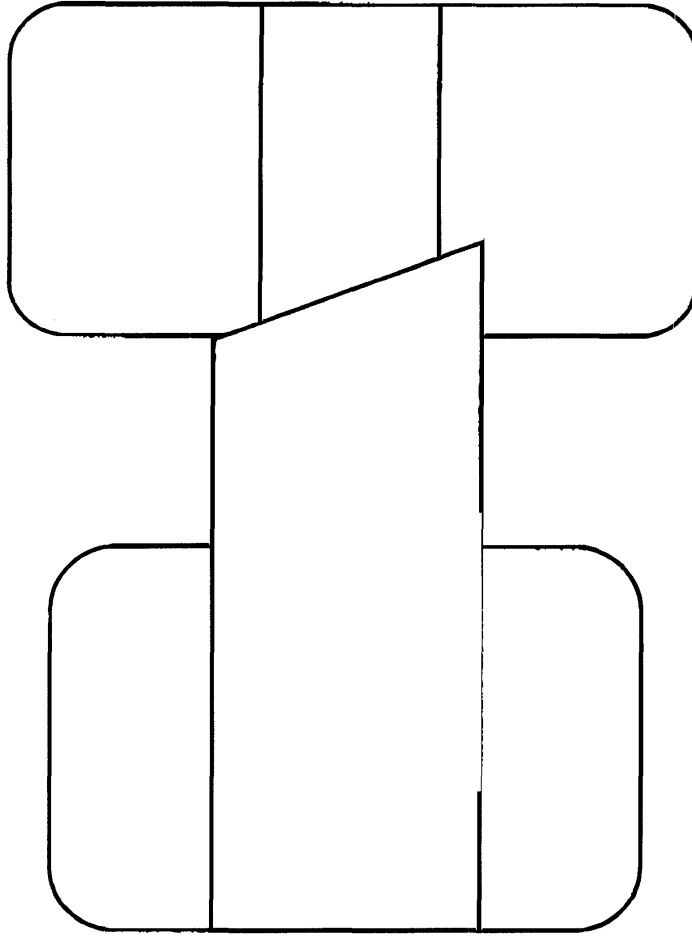
DISTRIBUTED by
GC AMERICA INC.
3737 West 127th Street
Alsip, Illinois 60803 U.S.A.

MANUFACTURED IN JAPAN



Appendix B

CAPSULE



SECTION 6 - HEALTH HAZARD DATA and FIRST AID INFORMATION

	YES	NO	NE	NA	NTP	IARC	OSHA	OTHER
MUTAGENIC AFFECTS		X						
TERATOGENIC AFFECTS		X						
REPRODUCTIVE TOXIN		X						
CARCINOGENICITY		X						
SENSITIZER		X						

ROUTES OF ENTRY: Inhalation Skin Ingestion

SECTION 6 - HEALTH HAZARD DATA and FIRST AID INFORMATION - continued

HEALTH HAZARD (Acute and Chronic): Irritant to skin, mucous membranes, eyes, and respiratory tract.

SIGNS AND SYMPTOMS OF OVEREXPOSURE: N.E.

CONDITIONS GENERALLY AGGRAVATED BY EXPOSURE: N.E.

EMERGENCY FIRST AID PROCEDURES:

INHALATION: Supply fresh air. Seek medical attention if irritation develops.

EYE CONTACT: Flush eyes with plenty of water for at least 15 minutes. If symptoms persist, seek medical attention.

SKIN CONTACT: Immediately wash with soap and water and rinse thoroughly. Seek medical attention if irritation develops.

INGESTION: If irritation develops, seek medical attention.

SECTION 7 - PRECAUTIONS FOR SAFE HANDLING AND USE

IN CASE OF RELEASE OR SPILL: Absorb with inert material and place in a chemical waste container.

WASTE DISPOSAL METHOD: Dispose of in accordance with local, state and federal guidelines.

STORAGE, HANDLING, AND SPECIAL PRECAUTIONS: Store in cool, dry conditions in well sealed containers.

SECTION 8 - CONTROL MEASURES

RESPIRATORY PROTECTION: In case of brief exposure or low pollution use respiratory filter device. In case of intensive or longer exposure use self-contained respiratory protective device.

VENTILATION: Local Exhaust Mechanical: Special: Other:

PROTECTIVE GLOVES: Recommended.

EYE PROTECTION: Tightly sealed goggles recommended.

OTHER PROTECTIVE CLOTHING OR EQUIPMENT: N.A.

WORK/HYGIENIC PRACTICE: Observe good hygienic work practices.

SECTION 9 - PREPARATION INFORMATION

This data is supplied to comply with OSHA Hazard Communication Standard 29 CFR 1910,1200 and W.H.M.I.S. CPR.

PREPARED BY: T. Joritz _____ DATE: 21 March 2005 _____
 Director Regulatory Affairs

N.A. = NOT APPLICABLE
 N.E. = NOT ESTABLISHED

The information herein is given in good faith but no warranty expressed or implied is made.

FIRE – 4	TOXICITY – 2	NFPA REACTIVITY – 1	SPECIAL –
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MS002277

G-BOND
MATERIAL SAFETY DATA SHEET

Page 1 of 2

SECTION 1 - SOURCE/IDENTITY/USE INFORMATION

DISTRIBUTOR
 GC AMERICA, INC.
 3737 West 127th St.
 Alsip, Illinois, 60803
 Telephone: 708-597-0900
 Hours: Mon.- Fri. 8:00 am. - 5:00 pm. C.S.T.
 Transportation Emergency No. 800-424-9300

*Poor Quality
 copy! JEC PFFH-20
 12/08/05*

COMMON NAME: G-BOND
 CHEMICAL NAME: N.A.
 PRODUCT USE: Light-cure bonding agent.

The following information is provided with regard to the toxicity and hazards the pure components present in this product.

SECTION 2 - HAZARDOUS INGREDIENTS/IDENTITY INFORMATION

COMPONENT	C.A.S.	EXPOSURE LIMITS	LD50/MLC50	%
Acetone	67-64-1	TWA=750ppm (OSHA, ACGIH) STEL=1000ppm (OSHA, ACGIH)	N.E.	40%
Distilled water	7732-18-5	N.E.	N.E.	20%
4-Methacryloxyethyltrimellitate anhydride	70293-35-9	N.E.	N.E.	15%
Urethane dimethacrylate	72869-86-4	N.E.	N.E.	10-20%
Triethyleneglycol dimethacrylate	109-16-0	N.E.	N.E.	10%

SECTION 3 - PHYSICAL/CHEMICAL PROPERTIES

BOILING POINT: 55°C
 VAPOR PRESSURE: N.E.
 VAPOR DENSITY: N.E.
 SOLUBILITY IN WATER: Miscible
 COEFFICIENT OF OIL/WATER DISTRIBUTION: N.E.
 SPECIFIC GRAVITY: N.E.
 MELTING POINT: N.E.
 EVAPORATION RATE: N.E.
 ODOR THRESHOLD: N.E.
 APPEARANCE AND ODOR: light yellow liquid; slight ester-like odor

SECTION 4 - FIRE AND EXPLOSION DATA

FLASH POINT: -10°C
 FLAMMABLE LIMITS: LEL 2.5, UEL 13
 EXTINGUISHING MEDIA: Chemical foam, carbon dioxide and dry chemical.
 SPECIAL FIRE FIGHTING PROCEDURES: Wear self-contained breathing apparatus in case of fire.
 UNUSUAL FIRE AND EXPLOSION HAZARDS: Product is not explosive; however, formation of explosive air/vapor mixtures are possible.
 HAZARDOUS COMBUSTION PRODUCTS: Formation of toxic gases is possible in case of fire.

SECTION 5 - REACTIVITY DATA

STABILITY: Stable Unstable
 POLYMERIZATION: Will Not Occur Will Occur

CONDITIONS TO AVOID: Avoid high heat and humidity.
 INCOMPATIBILITY (Materials to Avoid): None.
 HAZARDOUS DECOMPOSITION OR BY-PRODUCTS: No dangerous decomposition products known.

MS002277

G-BOND

Page 2 of 2

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PREPARED BY: T. Joritz
Director Regulatory Affairs

DATE: 20 July 2004

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N.E. = NOT ESTABLISHED

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FIRE - 4

TOXICITY - 2

NFPA

REACTIVITY - 1

SPECIAL -