



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

MAR 17 2008

1200 New Jersey Avenue, SE
Washington, D.C. 20590

Mr. Michael Tobin, CHMM
Manager, Dangerous Goods
Alaska Airlines, Inc.
P. O. Box 68900 SEADG
Seattle, WA 98168

Ref. No. 07-0232

Dear Mr. Tobin:

This responds to your December 17, 2007 email requesting clarification of the shipping paper requirements for consumer commodity (ORM-D) materials under the hazardous materials regulations (HMR; 49 CFR Parts 171-180) and the International Civil Aviation Organization (ICAO) Technical Instructions (TI). You note that under the ICAO TI, for a material described as an "ID8000, consumer commodity, 9," the gross mass may be indicated on the shipping paper using the average gross mass per package (for example, if there are 10 packages and the total gross mass of them is 100 kg, the dangerous goods transport document may show this as "average gross mass per package 10kg"). You ask if the HMR permit the use of average gross mass per package to indicate total quantity on shipping papers for domestic transportation of consumer commodity, ORM-D materials by air.

The answer is no. For transportation by aircraft, the gross mass per package is required to be indicated on the shipping paper for consumer commodity (ORM-D) materials (§ 172.202(a)(6)). The use of average gross mass per package is not authorized by the HMR.

Note that § 171.22 authorizes the use of the ICAO TI for transportation of hazardous materials by aircraft. Therefore, average gross mass per package may be used to describe the quantity of a material on a shipping paper when the material is described as "ID8000, consumer commodity, 9" in accordance with the ICAO TI.

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

Sincerely,



John A. Gate

Chief, Standards Development
Office of Hazardous Materials Standards

Alaska Airlines

December 17, 2007

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
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Washington, D.C. 20590-0001

Boothe
§ 172.202
§ 173.306(a)(3)(i)
Shipping Papers
07-0232

Re: Description of consumer commodities on domestic air mode shipping papers

Please answer the following 2 questions regarding this example:

A 5 piece shipment of Consumer Commodity

- box 1: 5 lbs gross
- box 2: 2 lbs gross
- box 3: 10 lbs gross
- box 4: 12 lbs gross
- box 5: 7 lbs gross

Today, a shipment prepared under 49CFR would show this:
Consumer Commodity, ORM-D, 5 boxes total 36 lbs

Effective January 1, 2008 due to HM-215I, a shipper's document prepared under 49CFR will look like this:

Consumer Commodity, ORM-D, 1 fibreboard box x 5 lbs, 1 fibreboard box x 2 lbs, 1 fibreboard box x 10 lbs, 1 fibreboard box x 12 lbs, 1 fibreboard box x 7 lbs

However, under ICAO Packing Instruction 910 at (1)(2), the gross mass on the transport document must be shown "*for more than one package, either the gross mass of each package or as the average mass of the packages. (For example, if there are 10 packages and the total gross mass of them is 100 kg, the dangerous goods transport document may show this as "average gross mass per package 10 kg".)*"

Therefore, a shipment prepared under ICAO would show this:

ID 8000, Consumer Commodity, 9, 5 fibreboard boxes x average gross mass per package 7.2 lbs

Question 1:

We do not see a prohibition in 49 CFR 171 Subpart C of use of ICAO's description, so is the following description authorized effective January 1, 2008?

Consumer Commodity, ORM-D, 5 fibreboard boxes x average gross mass per package 7.2 lbs

Question 2:

Would the use of ICAO's format only apply to ORM-D Consumer Commodity, and not other forms, such as ORM-D Small Arms Ammunition?

Please answer the following question regarding this example:

Question 3:

Although the definitions of consumer commodity are closely aligned, 49CFR and ICAO are not completely harmonized. 49CFR173.306(a)(3)(i) permits aerosols up to 1 L capacity. Whereas ICAO PI 910(h) only allows aerosols as consumer commodities when the capacity is less than 120 ml for non-metal receptacles, 500 ml for flammable aerosols in metal receptacles and 820 ml for non-flammable aerosols in metal receptacles.

Example: An aerosol can of flammable lubricant that has a gross weight of 23 oz and a net weight of 18 oz is acceptable as ORM-D Consumer Commodity. However, 23 oz = 680 ml and therefore this item cannot be reclassified as Consumer Commodity under ICAO. (note – even using the net weight of 18 oz, 532 ml still exceeds the 500 ml limit in ICAO.)

Can we therefore use the ICAO format of averages for consumer commodities that are only acceptable as such under 49CFR?

Thank you for your prompt assistance.

Sincerely,



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