



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

JAN 16 2009

Mr. John M. Kott
President
Kott Koatings, Inc.
27161 Burbank Street
Foothill Ranch, CA 92610

Ref. No. 08-0296

Dear Mr. Kott:

This responds to your letter requesting clarification of the packaging requirements for paint and paint-related materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether your company's product "S6", a paint-thinning flammable solvent, is eligible for the packaging exception in § 172.102, Special Provision 149. Based on its flammability, your product is assigned to Packing Group II under the criteria specified in §§ 173.120 and 173.121. Your product is packaged in a combination packaging consisting of metal jerricans with a capacity of 1-gallon (3.785 L) each that are placed in an outer packaging made of fiberboard.

The answer to your question is yes. Special Provision 149 is assigned to the Class 3, Packing Group II entry of "Paint" and "Paint related material (UN1263)" in column 7 of the § 172.101 Hazardous Materials Table. This special provision allows for such materials that are packaged as limited quantities or consumer commodities to be contained in inner packagings with a net capacity not to exceed 5-liters (as opposed to 1-liter) each. Provided your company's product "S6" conforms to the conditions specified, it is eligible for the packaging exception under Special Provision 149 of § 172.102.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

Kott Koatings Inc.

Porcelain Refinishing

U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
1200 New Jersey Avenue, S.E.
Zone E26 (PHC-10)
Washington, D.C. 20590-0001

November 25, 2008

Attn: Joseph Solomey,
Assistant Chief Counsel for Hazardous Materials Safety
Re: Re-Classification of "S6" solvent

Dear Mr. Solomey,

Thank you for your letter iterating the concerns of the recent investigation of our facility and corrections (that have been made) that needed to be addressed as to the shipping of our flammable solvent "S6".

In your letter (see copy enclosed for your review) specifically paragraph #2, it was a little confusing for us to understand but we have taken it to basically state that upon the investigation the investigators found that the classification we were referring to superseded their findings however it appears that our findings were printed in error by the Office of the Federal Register and were being corrected to change the 5 liter (1.3 liter) quantity back to the .3 liter quantity and that we needed to change as well even though it is not in print as of yet.

As I mentioned, the paragraph was a little confusing and we are still not exactly sure of what the bottom line is but we did find that under the CFR regulations for *"Paint Related Material including paint thinning, dying, removing or reducing compound"* there is a CFR 149 classification we should fall under. According to the Pipeline and Hazardous Materials Safety Admin., DOT 172.102 on page 341 paragraph 149 it states *"When transported as a limited quantity or a consumer commodity, the maximum net capacity specified in 173.150(b)(2) of this subchapter for inner packagings may be increased to 5L (1.3 gallons)."* I have enclosed a copy of this for your review.

Could you please indicate if the possibility when shipping by sea or ground still exist for the S6 Solvent in question which is a paint related thinning material, can be shipped in a limited quantity or consumer commodity with the maximum of 5L capacities for inner packaging?

We look forward to your early response.

Thank you very much,



John M. Kott
President
Kott Koatings, Inc.



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Stevens
\$172.102
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Applicability
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