



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAR 12 2009

Mr. Lindsay W. McGuire
The Wicks Group, PLLC
1215 17th Street, NW
Summer Square, Fourth Floor
Washington, DC 20036

Ref. No. 09-0025

Dear Mr. McGuire:

This responds to your January 27, 2009 letter requesting clarification on behalf of your client of labeling requirements for limited quantities of gas cartridges transported under the International Maritime Dangerous (IMDG) Code. Specifically, you ask for verification that there is no requirement to place a 2.1 flammable gas hazard warning label on individual packages containing limited quantities of UN 2037, Receptacles, small, containing gas (gas cartridges), being shipped by vessel.

According to your letter, your client manufactures and distributes outdoor cooking systems. It offers 100-gram canisters of cooking fuel, which is shipped by vessel from a supplier in Korea under the IMDG Code. The Korean supplier will no longer ship the product without affixing the 2.1 hazard warning label to the packages containing the cooking systems. The supplier has indicated that it must have a letter from the United States government clarifying that labeling is not required for limited quantities of UN 2037, Receptacles, small, containing gas (gas cartridges) before it will ship the cooking systems without the 2.1 hazard warning label.

Your understanding is correct. The 2.1 flammable gas hazard warning label is not required on packages containing limited quantities of UN 2037 materials based on exceptions provided in the IMDG Code. In accordance with paragraphs 3.4.5 and 3.4.7 of the IMDG Code, limited quantities of dangerous goods for personal or household use that are packaged and distributed in a form intended or suitable for retail sale are excepted from marking and labeling requirements. Under Special Provision 277 of the IMDG Code, for materials shipped as UN 2037, receptacles of up to 1,000 ml are considered limited quantities. The cooking systems manufactured by your client meet the limited quantity threshold of IMDG Code Special Provision 277. Therefore, in accordance with IMDG Code 3.4.7, packages

containing the cooking systems are not required to be marked with the UN number nor are they required to be labeled with the 2.1 hazard class label.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts", written over a large, stylized left curly bracket.

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



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Washington, DC

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Applicability
09-0025

January 27, 2009

Mr. Shane Kelley
US DOT PHMSA
1200 New Jersey Ave., SE
Second Floor
Washington, DC 20590-0001

Re: Clarification on Exemption of Limited Quantities from International Maritime Dangerous Goods Code Marking Requirements

Dear Mr. Kelley:

Following our conversation on January 14, 2009, I am writing on behalf of a client of The Wicks Group, PLLC ("TWG"), to request a letter of clarification indicating that there is no requirement to place a red 2.1-hazard class label on individual packages containing limited quantities of UN 2037 (receptacles, small, containing gas (gas cartridges)).

Our client manufactures and distributes outdoor cooking systems. It offers, as part of its line of products, 100 gram canisters of cooking fuel ("Product"). The Product is shipped by vessel from a supplier in Korea and therefore is subject to the International Maritime Dangerous Goods ("IMDG") Code.

The Korean supplier has informed us that it will no longer ship the Product without affixing the red hazard class label to the packages containing the individual receptacles of UN 2037, indicating that there is a flammable gas inside. Despite our assurances that this is not required by the IMDG Code, the supplier has indicated that it must have a letter from the United States government clarifying that such an action is not necessary.


It is our understanding that the individual packages containing the Product do not require this hazard class label for international maritime shipment. Pursuant to IMDG Code 3.4.7, limited quantities of dangerous goods for personal or household use that are packaged and distributed in a form intended or suitable for sale through retail agencies are in addition exempt from marking of the UN number on the packaging and, pursuant to a footnote added in the 2006 edition, the diamond mark is not required. Pursuant to

IMDG Code Special Provision 277, receptacles of up to 1000ml of UN 2037 may be considered a limited quantity.

The Product meets the limited quantities threshold of IMDG Code Special Provision 277. Therefore, pursuant to IMDG Code 3.4.7, it is exempt from marking of the UN number on the packaging and the red hazard class label is not required to be affixed to the packages containing receptacles of limited quantities of UN 2037. While we understand that the steamship container must have a placard indicating that within it there are either packages containing a flammable gas or a limited quantity of dangerous goods, the hazard class label is not required on the packages within that container because of the limited quantities exception for UN 2037.

We respectfully request a letter of clarification indicating that this interpretation is correct and that there is no need for the foreign supplier to affix the hazard class label to individual cylinder boxes during international maritime shipment. Please send the letter to my attention at The Wicks Group, PLLC. If you have any questions, please contact me at (202) 457-7790 or via email at lmcguire@wicks-group.com.

Sincerely,

A handwritten signature in cursive script that reads "Lindsay W. McGuire".

Lindsay W. McGuire

CC: Glenn P. Wicks
The Wicks Group, PLLC