



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 06 2009

Mr. Travis Morenz
Distribution Center Supervisor
Horizon Hobby, Inc.
4105 Fieldstone Road
Champaign, IL 61822

Ref. No.: 09-0212

Dear Mr. Morenz:

This responds to your August 27, 2009 letter regarding the definition of an aerosol in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a metal container filled with a liquefied compressed gas but without the corresponding liquid, paste, or powder, can be defined as an aerosol.

The answer is no. In accordance with § 171.8, an aerosol means any non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas. Also see related §§ 171.23(b)(1) and 173.306(a)(3).

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

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mitchell", with a long horizontal line extending to the right.

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

Nickels
§ 173.306(a)(3)
Cylinders
09-0212

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, August 27, 2009 12:05 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Written Interpretation of 49 CFR 173.306(a)(3)

From: Travis Morenz [mailto:tmorenz@horizonhobby.com]
Sent: Thursday, August 27, 2009 11:43 AM
To: INFOCNTR (PHMSA)
Subject: Written Interpretation of 49 CFR 173.306(a)(3)

Dear Sir or Madam,

I am writing to you to ask for a Written Interpretation regarding 49 CFR 173.306(A)(3). My questions are as follows:

- 1) Does a Propellant tank (7 oz to 17 oz) that is filled with a liquefied compressed gas (e.g., LPG blend) packaged without a liquid, paste, or powder in the container that is used as a power source for an Airbrush gun which is used to expel paint, meet the definition of "sole purpose of expelling paint " as outlined in 173.306(a)(3)
- 2) Can metal containers (7 oz to 17 oz cans of Airbrush propellant) that are filled with a liquefied compressed gas (e.g., LPG blend which is expelled as a vapor from the container) that do not contain a liquid, paste, or powder in the container (cans contain only the LPG propellant) be classified as "Aerosol" and shipped as ORMD under 49 CFR 173.306(a)(3)?
- 3) If these metal containers can not be shipped as ORMD under the 173.306(a)(3), would these container then have to be classified as UN 1075 and packaged and shipped as such?

Thank you very much for your time and effort in this matter.

Sincerely,

Travis Morenz

Travis Morenz
Distribution Center Supervisor

Horizon Hobby, Inc
4105 Fieldstone Road
Champaign, IL 61822

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