



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

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

Mr. Melvin D. Schubert, Site Director
Pike County Operations
Lockheed Martin
Missiles & Fire Control
5500 County Road 37
Troy, Alabama 36081

JUN 25 2010

Ref. No. 10-0044

Dear Mr. Schubert:

This responds to your letter regarding the definition of “Consumer commodity” under § 171.8 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the products your company uses in the workplace and occasionally offers for transportation in commerce meet the definition of a consumer commodity under the HMR and its international equivalents. You cite examples of commercially available products such as paint and isopropanol that are packaged and distributed in a form suitable for household use or personal care. Additionally, you ask whether any exceptions apply to the air transportation of such products under domestic or international standards as authorized by the HMR.

The definitions for “consumer commodity” in both the HMR and ICAO Technical Instructions are essentially the same. The product must be packaged and distributed in a form that is *suitable* or *intended* for retail sale and consumption by individuals for purposes of household use or personal care. Such products packaged as limited quantities under the HMR may be offered for transportation by all modes, including air. The International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) include some limitations related to hazard class, division and packing group eligibility for the consumer commodity designation. See Special Provision A112. With respect to the specific materials you refer to in your letter, both isopropanol and paint are eligible for transportation as consumer commodities provided they are packaged and distributed as prescribed in § 173.150 of the HMR or Packing Instruction 910 of the ICAO Technical Instructions.

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

LOCKHEED MARTIN



MISSILES & FIRE CONTROL
5500 County Road 37
Troy, Alabama 36081

February 19, 2010

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
1200 New Jersey Avenue, SE., East Building, 2nd Floor
Washington, DC 20590-0001

Stevens
§ 171.8
§ 172.101
Consumer Commodities
10-0044

Dear Mr. Mazzullo,

Lockheed Martin receives various hazardous materials (as defined by 49 CFR 171.8) such as isopropanol and paint. Occasionally, we must ship these materials to different locations throughout the United States. We may ship them to another Lockheed Martin location, return to the original vendor, or forward to a field location for a test, to name the most common destinations. These materials are shipped in their original, individual packaging which is suitable for retail sale for household use.

IATA's packaging instruction 910 states: "Consumer commodities are materials that are packaged and distributed in a form intended or suitable for retail sale for purposes of personal care or household use." Or as defined in 49 CFR 171.8: "*Consumer commodity* means a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use."

- May the above-described materials be shipped in "limited quantities" as "consumer commodities" if packaged and shipped in a form suitable for retail sale for household use?
- Does this conclusion apply to shipments by air?

Thank you. We look forward to hearing your response to our inquiry.

Sincerely,

Melvin D. Schubert
Site Director, Pike County Operations
Lockheed Martin
334/670-9501 Office
334/268-9351 Cell