



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

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

OCT 25 2011

Ms. Sandra Chapman  
Director of Transportation  
Corporate Regulatory Affairs  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

Reference No. 11-0098

Dear Ms. Chapman:

This responds to your April 18, 2011 email requesting clarification of the marking requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your inquiry concerns the phase out of the Consumer Commodity, ORM-D exception, the concurrent implementation of the internationally recognized limited quantity exception, and the subsequent effect of this change on the marking requirements. According to your email, your company is considering printing both the Consumer Commodity, ORM-D marking, as described in § 172.316, and the new limited quantity marking, as illustrated in § 172.315(a)(2), on the same fiberboard boxes. Your questions are paraphrased and answered as follows:

Q1. May we continue to display the markings on the fiberboard boxes on January 1, 2014?

A1. The answer to your question is no. The Consumer Commodity, ORM-D marking and the new limited quantity marking may be displayed until December 31, 2013 as long as the markings are separated from one another so as not to substantially reduce the effectiveness (see § 172.304(a)(4)). After December 31, 2013 the proper shipping name "Consumer Commodity" may not be associated with "ORM-D" (see § 172.303(a)). Further, the only limited quantity mark that would be associated with the "Consumer Commodity" proper shipping name is the marking intended for transportation by aircraft, which is shown in § 172.315(b)(2).

If the proper shipping name "Consumer Commodity" is marked on packages after December 31, 2013, it must be associated with Identification Number ID8000. Also, it should be noted that only the following materials or substances will be allowed to be classed or reclassified as ID8000, Consumer Commodity and are the only materials allowed to bear the involved markings on packaging: gases in Division 2.1 or 2.2; materials in Class 3, Packing Group II or III; materials in Division 6.1, Packing Group III; UN/NA3077, Environmentally hazardous substances, solid, n.o.s.; UN/NA3082, Environmentally hazardous substances, liquid, n.o.s.; and UN3175, Solids

containing flammable liquid, n.o.s. Further, this exception only applies to materials that do not have a subsidiary risk and are authorized aboard a passenger-carrying aircraft.

Q2. Would we have to cover up or obliterate the "Consumer Commodity, ORM-D" designation printed on the boxes after December 31, 2013?

A2. See A1 above.

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 "Charles O. Betts". The signature is written in a cursive style with a large initial "C" and "B".

Charles Betts  
Director

Standards and Rulemaking Division

Winter  
§172.315(a)  
§172.101

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, April 18, 2011 1:27 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: request for interpretation

Markings  
11-0098

Hi Carolyn,

The caller below requested a formal letter of interpretation.

Thanks,  
Victoria

Victoria Lehman  
Hazmat Information Center (HMIC)  
<http://phmsa.dot.gov/hazmat/info-center>  
(202) 366-1035

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**From:** Sandra L. Chapman [<mailto:slchapman@sherwin.com>]  
**Sent:** Monday, April 18, 2011 12:41 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** request for interpretation

To Whom It May Concern;

I am writing to request clarification on a carton marking issue that revolves around the scheduled phase out of the "Consumer Commodity, ORM-D" classification for commodities shipped by domestic ground within the United States. I understand that this exception is scheduled to end on December 31, 2013, at which time the "limited quantity" exception is to enjoy all the regulatory relaxations currently provided to "Consumer Commodity, ORM-D." I further understand that one is to use the new limited quantity mark (as illustrated in 49 CFR 172.315(a)) for packages so declared and while this mark is not mandatory for limited quantity packages until January 1, 2014, it is currently allowable by US ground and required for IMDG ocean shipping.

My question is related to the logistics of moving from "Consumer Commodity, ORM-D" to the new limited quantity mark. We are considering "duel marking" cartons with both the "Consumer Commodity, ORM-D" designation and the limited quantity mark referenced above. This would allow the cartons to be shipped by US ground and by international ocean with no reworking. The marks would be pre-printed on the cartons by the box manufacturer. My questions are related to what would happen to these cartons on January 1, 2014, and are listed below.

Q1) Would the "Consumer Commodity, ORM-D" designation printed on the carton be considered a violation after January 1, 2014?

Q2) Would we have to cover up or obliterate the "Consumer Commodity, ORM-D" designation printed on these cartons after 1/01/2014?

Q3) Would DOT's position be to ignore the out-of-date mark (after 1/01/2014) since the current and correct mark also appears?

Thank you for our prompt attention to these questions. Your answers are critical to our product planning and a timely response is vital.

Regards,  
Sandra L. Chapman



# **SHERWIN-WILLIAMS®**

**SANDRA L. CHAPMAN  
DIRECTOR OF TRANSPORTATION  
CORPORATE REGULATORY AFFAIRS**

Office: 216-566-1664

Fax: 216-566-2730

Blackberry: 216-536-9017

Email: [slchapman@sherwin.com](mailto:slchapman@sherwin.com)