



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

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

NOV 1 2011

Ms. Jennifer M. Daugherty
Corporate Regulatory Transportation
Arch Chemicals, Inc.
5660 New Northside Drive, NW
Atlanta, GA 30328

Reference No. 11-0244

Dear Ms. Daugherty:

This responds to your September 30, 2011 letter 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. You ask if it would be a violation of the HMR to display 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 packages after December 31, 2013 for ground shipments. You provide an example of such a shipment using UN1760, Corrosive liquids, n.o.s. (Quaternary Ammonium Compound), 8, III.

The answer to your question is yes, it would be a violation of the HMR. 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.

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 Betts". The signature is written in a cursive style with a large, prominent initial "C".

Charles Betts
Director
Standards and Rulemaking Division



Winter
\$172.315(a)
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Marking
11-0244

Arch Chemicals, Inc.
5660 New Northside Dr NW
Suite 1100
Atlanta, GA 30328
Phone: 678-627-2429
Fax: 678-627-2087

September 30, 2011

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

RE: Question concerning dual marking for Consumer Commodity ORM-D and Limited Quantity

To Whom it May Concern:

I am writing on behalf of Arch Chemicals, Inc. with regard to a question concerning dual marking of packages as Consumer Commodity ORM-D and Limited Quantity.

Arch transports by ground only many products for domestic retail markets. As an example, one such product has an MSDS that shows the material classified for transport as UN1760 Corrosive Liquid N.O.S. (Quaternary Ammonium Compound) 8, III. Since this product is for sale in a retail size of a fibreboard box said to contain 2 x 1 gallon plastic bottles for personal household use, it is shipped as a Limited Quantity and further re-classed as a Consumer Commodity and bears the ORM-D marking. For packages that are currently marked as Consumer Commodity ORM-D, Arch would like to begin dually marking packages with the Limited Quantity diamond. This would provide ease and flexibility for managing costs of changes in packaging artwork, inventory control, and shipping paper descriptions.

It is Arch's understanding that there will be a one year grace period from January 01, 2014 to December 31, 2014 to deplete packaging inventory marked as Consumer Commodity ORM-D. Beyond January 01, 2015, if packages bear dual markings for ground only shipments, will they be considered in violation of the DOT Regulations?

Sincerely,

Jennifer M. Daugherty
Corporate Regulatory Transportation
Arch Chemicals, Inc.
5660 New Northside Drive NW
Atlanta, GA 30328
Tel: 678-627-2429 / Fax: 678-627-2087