



U.S. Department of Transportation

**Pipeline and Hazardous Materials
Safety Administration**

MAY 5 2009

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

Mr. Aaron Yarnell
Distribution Center Manager
Ready Care Industries
15845 E 32nd Avenue
Building 2, Unit A
Aurora, CO 80011

Ref. No. 09-0086

Dear Mr. Yarnell:

This responds to your April 13, 2009 request for clarification on requirements for transporting small amounts of ethyl alcohol by highway or rail under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification of requirements for ground shipments of consumer commodities that contain varying amounts of ethyl alcohol.

According to the three materials safety data sheets provided with your letter, the products at issue are hairsprays that contain ethyl alcohol, a Class 3 material. In accordance with §173.150 of the HMR, Class 3 materials may be shipped as limited quantities under the conditions specified in § 173.150(b).

Based on the information in your letter, it appears that your products may meet the definition of a consumer commodity. A consumer commodity is a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies for consumption by individuals for personal care or household use. A Class 3 material that meets the definition for a consumer commodity may be renamed "Consumer Commodity" and shipped as an ORM-D material under the conditions specified in § 173.150(c).

In addition to the sections highlighted above, you should refer to Part 172 of the HMR for additional requirements that may apply to your shipments, including the shipping paper requirements in Subpart C, marking requirements in Subpart D, labeling requirements in Subpart E, and emergency response information requirements in Subpart G. I must also remind you that hazmat employees must be trained in accordance with §172.704 and

must be retrained at least every three years. See § 171.8 for the definitions for “hazmat employer” and “hazmat employee.” The HMR are accessible through our web site at <http://hazmat.dot.gov>.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is stylized with a large initial "C" and "E".

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

Boothe
§172.101
Applicability
09-0086

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Monday, April 13, 2009 4:14 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Written Letter of Interpretation
Attachments: #520494 - Hairspray - Organic pH (MAR).pdf; #550654 - Hairspray - Jaboncillo (WOR).DOC;
#550664 - Hair Spray - Jaboncillo (VOC) (WOR).pdf

Carolyn,
This gentleman would like a letter of interpretation on the attached issue.
Thanks,
Rob

From: Aaron Yarnell [mailto:ayarnell@ReadyCare.com]
Sent: Monday, April 13, 2009 12:58 PM
To: INFOCNTR <PHMSA>
Subject: Written Letter of Interpretation

completed via telephone by VL on 4/13 @ 1:20 left vm

Good Morning,

I would like a Written Letter of Interpretation on any ground shipping requirements for the 3 attached MSDS sheets. Thank you

Aaron Yarnell
Distribution Center Manager
Ready Care Industries
15845 E 32nd Ave
Building 2 Unit A
Aurora, CO 80011
tel: 303-341-7171 x255 fax: 303-341-5558
e-mail: ayarnell@readycare.com

4/15/2009

520494

MATERIAL SAFETY DATA SHEET

Marianna, Incorporated
 11222 "I" Street
 Omaha, Nebraska 68137-1296
 Non-Emergency (402) 593-0211
 EMERGENCY: Infotrac (800) 457-4280

Revised: 06/02

I PRODUCT INFORMATION

Page 1

PRODUCT NAME: Super Star Organic pH Hairspray

CHEMICAL NAME: Consumer Commodity

CAS NUMBER: N/A

CHEMICAL FAMILY: N/A

CHEMICAL FORMULA: N/A

II SUMMARY OF HAZARDS

WARNING! Contents **FLAMMABLE!** Do not spray near open flame or while smoking. Do not smoke until hair is fully dry. Avoid spraying in eyes. If eye contact occurs, rinse promptly with plenty of water. Do not store at temperatures above 120° F. **KEEP OUT OF REACH OF CHILDREN.** Use only as directed. Intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

III HAZARDOUS COMPONENTS

| NAME | CAS NO. % | EXPOSURE LIMITS | | |
|--------------|-----------|-----------------|-----|-------|
| | | PEL | TLV | OTHER |
| Ethanol <80% | | | | |

IV. CHEMICAL AND PHYSICAL PROPERTIES

BOILING POINT: 78° C

FLASHPOINT: 18° C

MELTING POINT: N/A

VOLATILES BY VOLUME: 80%

SOL. IN WATER: Completely

SPECIFIC GRAVITY: 0.860 - 0.864 @ 22° C

pH: N/A

EVAPORATION RATE: N/A

APPEARANCE/ODOR: Clear yellow liquid with a pleasant fragrance

V. HEALTH HAZARD DATA & FIRST AID PROCEDURES

Page 2

| <u>CHEMICAL NAME</u> | <u>TOXICITY DATA</u> | |
|----------------------|----------------------|-------------|
| | <u>LD50</u> | <u>LC50</u> |

EYE CONTACT: Can cause irritation. Flush immediately with running water for at least 15 to 20 minutes, separating eyelids with fingers. If irritation persists, consult a physician.

SKIN CONTACT: May cause drying of the skin. Wash with soap and water, rinse with water. Remove contaminated clothing and clean before reuse. If irritation persists, consult a physician

INHALATION: Inhalation of concentrated fumes can cause headache, nausea, wheezing and shortness of breath, tremor and fatigue. Remove to fresh air, give artificial respiration if necessary.

INGESTION: May be harmful or fatal if swallowed. Induce vomiting. If victim is conscious, rinse mouth with water. Do not give anything by mouth to an unconscious person. Get immediate medical attention.

CHRONIC EFFECTS OF EXPOSURE: Damage may occur to heart, kidneys and liver.

VI. EXPOSURE CONTROL MEASURES

EYE PROTECTION: Safety eyewear with splashguards

PROTECTIVE GLOVES: Chemical resistant gloves

RESPIRATORY PROTECTION: Air purifying respirator, NIOSH approved

VENTILATION: Sufficient exhaust to keep concentration below 1000 ppm

VII. FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (METHOD USED): TCC

FLAMMABLE LIMITS LOWER: UPPER:

EXTINGUISHING MEDIA: Water, Carbon Dioxide, "alcohol-type foam" or dry chemicals

FIRE FIGHTING INSTRUCTIONS: Wear personal protective equipment and self-contained breathing apparatus when fighting fire. Use cool water spray to cool equipment and to disperse vapors.

UNUSUAL FIRE AND EXPLOSION HAZARDS: Alcohol flames may be difficult to see; the flames are virtually colorless. Combustion products include but not limited to Carbon Dioxide and Carbon Monoxide. Vaporizes easily at room temperature. Vapors can travel to an ignition source and flash back. Prevent build-up of vapors.

VIII. REACTIVITY DATA

Page 3

STABILITY: Stable under ordinary conditions of use and storage.

INCOMPATIBILITY: Oxidizing materials can cause vigorous reaction.

HAZARDOUS PRODUCTS OF COMPOSITION: Carbon dioxide and carbon monoxide may form when heated to decomposition.

HAZARDOUS POLYMERIZATION: Will not occur

IX. ENVIRONMENTAL & DISPOSAL INFORMATION

ACTION TO TAKE FOR SPILLS/LEAKS: Absorb spills with inert material and place into a separate waste container.

DISPOSAL METHOD: Dispose of in accordance with local, state and federal regulations.

X. PRECAUTIONS FOR SAFE HANDLING, STORAGE AND USAGE

This material is classified as a flammable liquid. Keep liquid and it's vapors away from heat, sparks and open flames. Ground and bond together chipping container, transfer line and receiving container.

XI. SHIPPING INFORMATION

Ship using all caution of a class IIB liquid flammable.

XII. ADDITIONAL INFORMATION

THIS MATERIAL IS IN COMPLIANCE WITH THE TOXIC SUBSTANCES CONTROL ACT.

For additional product safety or product use information, contact the product manager at address or phone number listed on page one.

DISCLAIMER

The information in this MSDS was obtained from current and reliable sources. However, the data is provided without any warranty, expressed or implied, regarding its correctness or accuracy. Since the conditions for use, handling, storage and disposal of this product are beyond this company's control, it is the users responsibility both to determine safe conditions for use of this product and to assume liability for loss, injury, damage or expense arising out of the product's improper use. No warranty, expressed or implied, regarding the product described herein shall be created by or inferred from any statement or omission in this MSDS. Various government agencies (e.g. DOT, EPA and FDA) may have specific regulations concerning the transportation, handling, storage, use or disposal of this product which may not be reflected in this MSDS. The user should review these regulations to ensure full compliance.

Carcinogenicity: NA

Signs and Symptoms of Exposure: Drowsiness and Dizziness

Medical Conditions Generally Aggravated by Exposure: No Data

Emergency and First Aid Procedures: If victim is a child give no more than one glass of water and 15cc (tblsp) syrup of IPECAC. IF convulsions, loss of gag reflex or unconsciousness occurs, consider gastric lavage using cuffed endotracheal tube.

7. Precautions for Safe Handling and Use

Waste Disposal Method: Use sweeping compound and dispose of within regulations

Precautions to be Taken in Handling and Storing: Store in cool area away from sparks and flame.

Other Precautions: Caution Flammable

8. Control Measures

Respiratory Protection: NA

Ventilation: Local Exhaust

Protective Gloves: Should be worn

Eye Protection; Chemical Goggles

Other Protective Clothing and Equipment: NA

Work/Hygienic Practices: NA

Section V — Reactivity Data

| | | |
|-----------|---------------------|---------------------|
| Stability | Unstable | Conditions to Avoid |
| | Stable XX | |

Incompatibility (Materials to Avoid) **HEAT, SPARKS, FLAME, STRONG OXIDIZERS**

Hazardous Decomposition or Byproducts

CO₂

| | | |
|--------------------------|-----------------------------|---------------------|
| Hazardous Polymerization | May Occur | Conditions to Avoid |
| | Will Not Occur XX | |

Section VI — Health Hazard Data

Route(s) of Entry: Inhalation? **XX** Skin? Ingestion? **XX**

Health Hazards (Acute and Chronic) **If ingested call a physician. Give liquids, two glasses water, if conscious. Induce vomiting.**

Carcinogenicity: NTP? IARC Monographs? OSHA Regulated?

N/A

Signs and Symptoms of Exposure

Drowsiness, Dizziness

Medical Conditions Generally Aggravated by Exposure

NO DATA

Emergency and First Aid Procedures

If victim is a child give no more than 1 glass of water and 15cc (1 tblsp) syrup of IPECAC.

If convulsions, loss of gag reflex or unconsciousness occurs, consider gastric lavage using a cuffed

Section VII — Precautions for Safe Handling and Use

endotracheal tube.

Steps to Be Taken in Case Material is Released or Spilled

Absorb with vermiculite; sweep and dispose of in accordance with federal, state and local regulations.

Waste Disposal Method

Within regulation guidelines.

Precautions to Be Taken in Handling and Storing

Store in a cool area away from spark or flame.

Other Precautions

CAUTION: FLAMABLE

Section VIII — Control Measures

Respiratory Protection (Specify Type)

N/A

| | | |
|-------------|----------------------------|---------|
| Ventilation | Local Exhaust XX | Special |
| | Mechanical (General) | Other |

Protective Gloves **XX** Eye Protection **XX**

Other Protective Clothing or Equipment **N/A**

Work/Hygienic Practices **N/A**