



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

APR 07 2014

Mr. William Gairloch  
Thunder Mountain (ThndrMntn™)  
295 Burriss Road  
Bellefonte, PA 16823

Ref. No. 14-0020

Dear Mr. Gairloch:

This responds to your January 23, 2014 email requesting clarification on the classification of a hazardous material under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The product of concern is an insect repellent pump spray (non-aerosol) (up to 4 oz.) containing the active ingredient *N,N*-Diethyl-*m*-toluamide (DEET). You provide a copy of the safety data sheet (SDS) from the manufacturer of the product and you request a determination whether the spray is hazardous and subject to regulation especially for air transportation.

In accordance with § 173.22, it is the shipper's responsibility to properly classify a hazardous material. This Office does not perform the classification function. With regard to the SDS provided, PHMSA is concerned about the limited information contained therein to rely on for classification. We also note that the SDS you provided includes information that the flash point of the material is "greater than 170°F" rather than a specified measurement. In accordance with § 173.120(b), a material that does not meet the definition of any other hazard class and has a flash point of above 140°F and below 200°F is a combustible liquid regulated under the HMR. Thus, based on the SDS, your material could be classed as a combustible liquid. However, in accordance with § 173.150(f)(2), the requirements of the HMR do not apply to a material classed as a combustible liquid in a non-bulk packaging. A 4-oz. container fits the category of non-bulk packaging. Furthermore, based on our understanding of the properties of DEET, it is the opinion of this Office that a pump spray consisting of 98% DEET and its isomers (<2%) would not meet the definition of a hazardous material, and not be subject to regulation under the HMR. However, we note again that ultimately it is the shipper's responsibility to properly classify a material as hazardous in accordance with the HMR.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

Robert Benedict  
Chief, Standards Development Branch  
Standards and Rulemaking Division

Der Kinderen  
§ 171.1  
§ 172.101

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, January 23, 2014 2:18 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Spoke with Dirk and am requesting written clarification on Hazmat determination  
**Attachments:** SP711,sp712,sp713,sp714,sp717,sp718b,sp719\_MSDS.pdf

Applicability  
14-0020

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,  
Victoria

**From:** William Gairloch [<mailto:wgairloch@gmail.com>]  
**Sent:** Thursday, January 23, 2014 1:14 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Spoke with Dirk and am requesting written clarification on Hazmat determination

Dirk,

Per our conversation, attached is the MSDS for the Deet based insect repellents that we discussed.

I am writing to request a clarification in a written/email response from the PHMSA on whether or not the material associated with the attached MSDS is subject to the hazardous materials regulation.

All of the product information, including the MSDS, associated with the products is accessible at this URL; <http://sawyer.com/products/maxi-deet-100-deet/>

The largest container size for any of them is 4oz and they are all pump spray containers, none of them are aerosol.

To review, the reason that I am contacting the PHMSA is;

The manufacturer of these products has indicated to us that, because of the individual container sizes the products come in, the products do not fall under the Hazmat designation and they can be shipped via any method, including airmail, with no special requirements.

However, an on line retailer is telling us that they believe that the products do fall under the Hazmat designation and therefore cannot be shipped via airmail and must only be shipped via ground transportation and require special labeling.

Please let me know if you have any questions or if you require any further information.

Thanks. Bill.

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William Gairloch  
Thunder Mountan (ThndrMntn)  
[www.thndrmntn.com](http://www.thndrmntn.com)  
Phone: 814-933-8671

# MATERIAL SAFETY DATA SHEET

## SAWYER PREMIUM MAXI-DEET INSECT REPELLENTS

### I. PRODUCT IDENTIFICATION

**MANUFACTURED BY:**

Sawyer Products  
605 Seventh Avenue North  
Safety Harbor FL 34695

**DISTRIBUTED BY:**

Sawyer Products, Inc.  
PO Box 188  
Safety Harbor, FL 34695

DATE OF LATEST REVISION: 18-Dec-2009

REPLACES EDITION DATED: 08-May-2008

EMERGENCY TEL. # 800-356-7811

BUSINESS TEL. # 727-725-1177

FACSIMILE TEL. # 727-725-1954

**TRADE NAME:**

Sawyer(R) Maxi-Deet

PRODUCT No.: SP713; SP714; SP718b; SP719

EPA REGISTRATION NO: 54287-2-58188

EPA ESTABLISHMENT NO: 54287-FL-1

TRANSPORTATION: NOT RESTRICTED

COMMON NAME: DEET, Technical

### II. HAZARDOUS INGREDIENTS

CHEMICAL NAME	CAS NO.	PERCENT	EXPOSURE LIMITS IN AIR	
			ACGIH (TLV)	OSHA (PEL)
Deet (N-N diethyl m toluamide)	134-62-3	98.11	NE	NE
Other Isomers	NA	1.89	NE	NE
Inert Ingredients	NA	0.00	NE	NE

### III. PHYSICAL PROPERTIES

Vapor Density (air=1):	NA	Melting Pt. (or range), °F:	NA	Pounds/Gallon:	NA
Specific Gravity:	0.99	Boiling Pt. (or range), °F:	212°F	Color:	Brown
Unit Pressure:	NA	Solubility (oil):	Negligible	Particle Size:	NA
Vapor Pressure, mmHg@°C:	NA	Solubility (water):	Miscible	Appearance:	Liquid
Evap. Rate (butyl acetate=1):	NA	Odor:	Slight (Deet)		
Bulk Density ; Settled:	NA	Percent Volatile:	NA		
; Fluffed:	NA	Shelf Life:	4 years		

### IV. FIRE AND EXPLOSION

Flash Point, (TCC), °F: &gt;170 Autoignition Temperature, °F: NA

Flammable Limits In Air, Volume %: Lower NE Upper NE

Fire Extinguishing Materials:

 Water Spray  Carbon Dioxide  Foam  Dry Chemical  Other

Special Firefighting Procedures: None

Unusual Fire and Explosion Hazards: None

### V. HEALTH HAZARD INFORMATION

Symptoms of Overexposure for Each Potential Route of Exposure:

Inhaled: None Absorbed Through Skin: None

Contact with Skin or Eyes: None Swallowed: None

Health Effects or Risk From Exposure:

Acute: NE Chronic: NE

First Aid; Emergency Procedures:

Eye Contact: Flush eyes with plenty of water. Contact a physician if irritation persists.

If Swallowed: Contact a physician or Poison Control Center. Administer water and Induce vomiting. Get medical attention

Suspected Cancer Agent?

 No: This product's ingredients are not found in the lists below. Yes:  Federal OSHA  NTP  IARC  Cal/OSHA

## **VI. REACTIVITY DATA**

Stability:  Stable  Unstable

Conditions to Avoid: Do not store when Temperature exceeds 130°F.

Incompatibility (materials to avoid): May damage certain synthetic fabrics, plastics, painted or varnished surfaces

Hazardous Decomposition Products (including combustion products): None

Hazardous Polymerization:  May Occur  Will Not Occur

Conditions to Avoid: Avoid contact with plastics, acetate, spandex and nylon

## **VII. SPILL, LEAK AND DISPOSAL**

Spillage or Leakage Procedures; steps to be taken in case material is spilled or released; Faulty or leaking container: Floor may become slippery. Soak up residues with an absorbent material, remove, wash with soap and water. I.

Preparing Wastes for Disposal (container types, neutralization):

Do not reuse empty container. Place in trash disposal. Dispose of absorbents in trash.

NOTE: Dispose of all Wastes in Accordance with Federal, State and Local Regulations.

## **VIII. SPECIAL HANDLING INFORMATION**

Ventilation and Engineering Controls: None

Gloves (specify material): None

Respiratory Protection: None

Eye Protection (type): Safety glasses, goggles or face shield

Other Clothing and Equipment: None

Work Practices, Hygienic Practices: Follow Label Directions

Other Handling and Storage Requirements: Do not store where temperature exceeds 130°F

## **IX. LABELING**

Labeling; Precautionary Statements: Harmful if swallowed. Keep out of reach of children.

Other Precautions: Avoid contact with eyes and lips. May cause eye irritation.

## **X. REGULATORY INFORMATION**

TSCA (Toxic Substances Control Act) Regulations, 40 CFR 710: This product is a pesticide and is exempt from TSCA regulation.

CERCLA and SARA Regulations (40 CFR 355, 370, and 372): This product does not contain any chemicals subject to the reporting requirements of SARA Section 313.

## **XI. KEY AND COMMENTS**

NA = Not Applicable

NE = None (not) Established

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