



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

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

OCT -7 2009

Ms. Erin N. Jarman
Environmental Scientist
URS Corporation
1600 Perimeter Park Drive
Morrisville, NC 27560

Ref. No. 09-0205

Dear Ms. Jarman:

This responds to your August 19, 2009 letter requesting clarification on the requirements for Consumer Commodity, ORM-D materials shipped by air under § 173.150(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if Consumer Commodity, ORM-D materials are subject to the requirement to use absorbent material in §173.27(e).

The answer is yes. The requirements in § 173.27 apply to limited quantity shipments transported by aircraft. Because a shipment must conform to the applicable limited quantity provisions to qualify for the consumer commodity exceptions, the requirement to use absorbent material in § 173.27(e) also applies to consumer commodity shipments transported by aircraft.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts".

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



August 19, 2009

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

Dear Mr. Mazzullo:

I am writing to you with regards to a clarification of the requirements for ORM-D materials shipped via air under 49 CFR §173.150(b). Specifically, a Class 3 material meets all of the criteria to be considered a limited quantity under 49 CFR §173.150(b). In addition, the material meets the criteria in 49 CFR §173.150(c) to be reclassified as a consumer commodity ORM-D. The language in 49 CFR §173.150(b) states the following:

“For transportation by aircraft, the package must also comply with the applicable requirements of §173.27 of this subchapter and only hazardous materials authorized aboard passenger-carrying aircraft may be transported as a limited quantity.”

My question is as follows:

Would materials that were originally within one of the hazard classes or divisions cited in 49 CFR §173.27(e) which have been reclassified as consumer commodities (ORM-D) be subject to the requirement to use absorbent materials if those ORM-D materials were being offered in inner packagings made of glass, earthenware, plastic or metal? Or does the fact that they have been reclassified as Consumer Commodities make them no longer considered to be within Class 3, 4, 8, or Division 5.1, 5.2, or 6.1?

Thank you in advance for your assistance. I look forward to your response.

Sincerely,

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§ 173.27(e)
§ 173.150.
Air Exceptions
09-0205