



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

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

DEC 21 2010

Mr. Kevin Gannon
Manager, Hazmat Compliance & Transportation
Avon Products Inc.
1 Avon Place
Rye, NY 10580

Ref. No.: 10-0237

Dear Mr. Gannon:

This is in response to your October 22, 2010, letter requesting clarification of requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to consumer commodities shipped by air. Specifically, you ask if an air carrier has the discretion to require a package to display consumer commodity markings in accordance with the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) in lieu of markings required by the HMR.

A material shipped by air and described with the proper shipping name "Consumer commodity" may be offered and transported in accordance with the ICAO Technical Instructions as specified in § 171.24. The ICAO Technical Instructions describe consumer commodities as Class 9 while the HMR use the hazard class ORM-D. Since the HMR provide the option for shippers and carriers to use the ICAO Technical Instructions in domestic air commerce, airline carriers may require shippers to offer hazardous material for transport in accordance with the ICAO Technical Instructions.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Supko".

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division



Leary
\$ 171.8
\$ 171.22
IATA
10-0237
KEVIN GANNON
MANAGER
HAZMAT COMPLIANCE &
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1 Avon Place
Rye, NY 10580
914-935-2029

October 22, 2010

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

Mr. Mazzullo

Avon Products Inc. is a shipper by air freight to Hawaii, Alaska, Guam, and Saipan from our California based distribution facility. Our products are produced as Consumer Commodity ORM-D.

We tender our freight to a 3rd party air freight forwarder whom have come back to us stating that the Airlines whom they work with will not accept or recognize the Consumer Commodity ORM-D-AIR classification. The Airlines will only honor the ICAO/IATA ID 8000 Consumer Commodity Class 9 PI 910 to the points which I have referenced.

When referencing Title 49 , 171.8 United States, means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, or any other territory or possession of the United States designated by the Secretary.

My question , is it the discretion of the Airline to make the call in favoring the ICAO/IATA regulations over the 49 CFR , or do the Airlines base this call on the 12 mile variance which these points exceed.

Looking forward to the regulatory clarity on this.

Thank You

Kevin Gannon