



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

JUN 12 1 2012

Mr. Rich Nolan  
Forrest Paint Company  
1011 McKinley  
Eugene, Oregon 97402

Ref. No. 12-0115

Dear Mr. Nolan:

This responds to your May 10, 2012 request for clarification on shipping limited quantities under the Hazardous Materials Regulations (HMR; 49 CFR 171-180). You ask for verification that you are properly describing and marking highway shipments of aerosols, paints, and alcohol based gel under the limited quantity provisions taking effect December 31, 2013. In addition, you ask if the "LTD QTY" designation may be used to describe the materials on a shipping paper.

The Hazardous Materials Table (HMT; § 172.101) provides packaging exceptions in Column 8A. Provided the aerosol paints, alcohol based gels, and flammable paints comply with the packaging exception specified in Column 8A of the HMT, and are transported by ground, your understanding is correct. The marking specified in § 172.315(a)(1) would be the appropriate marking.

In accordance with § 172.200(a)(3), a limited quantity package shipped by ground is not required to have a shipping paper. While not required, the HMR does not prohibit a limited quantity package shipped by ground from being included on a shipping paper. It should be noted that the practice of permissively including a hazardous material excepted from the shipping paper requirements on a shipping paper may lead to frustration of the shipment and is not recommended.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

Robert Benedict  
Chief, Regulations Development Branch  
Standards and Rulemaking Division

Boothé  
\$172.202  
\$172.101

**Drakeford, Carolyn (PHMSA)**

**From:** Eckenrode, Andrew.CTR (PHMSA) on behalf of INFOCNTR (PHMSA)  
**Sent:** Friday, May 11, 2012 8:45 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for a letter of interpretation

Shipping Papers  
12-0115

Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,

Andrew

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**From:** Rich Nolen [<mailto:rnolen@forrestpaint.com>]  
**Sent:** Thursday, May 10, 2012 6:36 PM  
**To:** INFOCNTR (PHMSA)  
**Cc:** 'Rich Nolen'  
**Subject:** Request for a letter of interpretation

REQUEST FOR A LETTER OF INTERPRETATION

After December 31, 2013, the term consumer commodity orm-d, will no longer be used. Limited Quantity is the term that will be used after that date.

1 We ship 12 cans of aerosol paint, in one case. We will be shipping these "ground" in trucks. I have been informed by the DOT that the only marking on the case will be a 4 inch by 4 inch limited quantity label, with no "Y" in the middle. Is this correct???

2 I was also advised by the DOT that paper work, a "bill of lading" is not required. However, we will be offering shipments to trucking firms, and we will describe the shipment on a bill of lading as "paint in aerosol cans, LTD QTY". Is this correct???

3 We also ship flammable paint in one gallon cans "ground". Commonly we ship four one gallon cans per box. The only mark on the outside of the box will be a 4 inch by 4 inch limited quantity label with no "Y" in the middle. Is this correct???

4 The paper work, or bill of lading on this shipment will be described as "paint in metal cans, LTD QTY". Is this correct???

Or would "paint, LTD QTY" be a better description.

5 We also ship a product we call "firestarter". It is an alcohol based gel, packaged in 4 ounce, 16 ounce, 24 ounce, and 32 ounce plastic bottles. The 4 ounce is packaged with 24 bottles per case, and the 16, 24, and 32 ounce are packaged 12 bottles per case. These will also be shipping "ground". The mark on the outside of these cases will be a one 4 inch by 4 inch limited quantity label, with no "Y" in the middle. Is this correct???

6 The paper work, or bill of lading for this shipment would read "isopropanol gel in plastic bottles, LTD QTY". Is this correct???

Each of the above products, when we describe them on the bill of lading, we will enter the description in the "non regulated" part of the bill of lading, not the "hazardous materials" portion of the bill of lading. Is this correct???

Thank you very much!!

Respectfully,

Rich Nolen

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[rnolen@forrestpaint.com](mailto:rnolen@forrestpaint.com)