



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

**MAR 17 2000**

Mr. John Tune  
Director, Customer Services  
Inkware  
1944 Pama Lane  
Las Vegas, NV 89119

Reference No. 00-0077

Dear Mr. Tune:

This is in response to your March 6, 2000 letter concerning the domestic and international shipment of printing ink and related products by aircraft. You state the products have a flash point above 141°F and are shipped in the following configurations: one case of 12 one-quart bottles, one box of 4 one-gallon bottles, and one five-gallon plastic pail.

Under 49 CFR 173.120(b)(1), a "combustible liquid" is defined as a material that has a flash point above 60.5°C (141°F) and below 93°C (200°F) that does not meet the definition of any other hazard class under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). A combustible liquid that does not meet the definition in § 171.8 of a hazardous waste, hazardous substance, or marine pollutant and that is packaged in a non-bulk packaging, i.e., a packaging having a liquid capacity of 450 L (119 gallons) or less, is not subject to the requirements contained in HMR. See § 173.150(f)(2). Such a material also is not regulated under the requirements of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air. If the combustible liquid is a hazardous substance or hazardous waste and is intended for transportation by air, it must be offered for transportation in conformance with the requirements in § 173.150(f)(3). Also see § 171.11.

I hope this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell, Chief  
Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



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# INKWARE

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\$173.150  
00-0077

March 6, 2000

EDWARD MAZZULLO  
DIRECTOR FOR OFFICE OF HAZARDOUS  
MATERIALS STANDARDS  
USDOT/RSPA (DHM 10)  
400 7<sup>th</sup> STREET SW  
WASHINGTON, DC 20590-0001

Dear Mr. Mazzullo,

We are a small ink manufacturer located in southern Nevada. We ship inkjet printer ink and related products worldwide. Package sizes comprise cases of 12 one-quart bottles, boxes of 4 one-gallon bottles, and five-gallon plastic pails. Our products were all flashpoint tested using the Pensky-Martens closed-cup method. All flashpoints were determined to be above 141 degrees Fahrenheit. The only known hazard that might be presented by these products is flammability/combustibility.

Today I talked with a very helpful gentleman at your Hazardous Materials Safety Hotline. He indicated that dangerous goods regulations might not apply to our products. To confirm that information, I pose the following questions relative to the shipment of these products by both passenger and cargo-only aircraft.

- (1) Since these products do not meet the definition of Class 3-Flammable Liquid (i.e. flashpoints below 141 degrees Fahrenheit) per IATA Dangerous Goods Regulations, ICAO Technical Instructions, and 49 CFR, are there any restrictions on their shipment by air?
- (2) Some of these products have flashpoints between 141 and 200 degrees Fahrenheit; meeting the definition of combustible liquids per 49 CFR. Are there any restrictions on air shipment of these "combustible" products? If so what are the restrictions and what are the governing references?
- (3) If the answers to (1) and (2) above are no, can these products be transported by air carriers as non-hazardous cargo?

Thank you for your kind assistance.

John Tune

Director of Customer Services