



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

MAR 9 2001

Ref. No. 00-0333

Mr. Michael V. Nicholas  
California Loss Control  
2120 Foothill Boulevard  
Suite 210  
La Verne, CA 91750

Dear Mr. Nicholas:

This responds to your letter and telephone conversation with Mr. Michael Stevens of my staff regarding the packaging exceptions for consumer commodities under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire whether a shrink-wrap and cardboard combination would satisfy the requirement of a strong outer packaging for a Consumer commodity, ORM-D, under § 173.156. You enclosed photographs showing your client's current fiberboard box packaging and a proposed, half-box packaging (tray) that is triple shrink-wrapped to a pallet.

You state that your client's product, an alkyd resin primer of medium viscosity with a closed-cup flash point of 70°F and an initial boiling point of 240°-375°F, is assigned to Packing Group II. See § 173.121(a). The primer is contained in one gallon metal cans.

The use of shrink-wrapped trays as an outer packaging for consumer commodities is authorized in §§ 173.25 and 173.156. However, a flammable liquid, that is also a consumer commodity, must first meet the limited quantity provisions specified in § 173.150(b) to be eligible for re-classification. As specified in § 173.150(b)(2) for limited quantities, the maximum net capacity for an inner receptacle containing a Packing Group II flammable liquid is 1.0 liter (0.3 gallon). Your client's one gallon cans exceed this quantity nearly four-fold. A viscous liquid in Packing Group II may, however, be reassigned to Packing Group III provided it conforms to the conditions specified in § 173.121(b). The one gallon cans of primer would then be eligible for re-classification as an ORM-D and may be renamed "Consumer commodity."

If your client's primer does not meet the viscosity criteria in § 173.121(b), it must be packaged either in a UN standard meeting



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173.25

the Packing Group II performance level packaging as specified in § 173.202, or in strong outer packaging conforming to subpart B of Part 173 as specified in § 173.173(b)(2).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

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

California  
Loss Control



November 27, 2000

Stevens  
§ 173.25(b)  
Overpack  
00-0333

Mr. Edward Mazzullo  
Director of Standards  
The Office of Hazardous Materials  
US Department of Transportation  
R.S.P.A.  
400 7<sup>th</sup> Street  
Southwest Washington D.C. 20590

RE: KILZ 1 GALLON METAL CANS  
PRODUCT # 51652-10001-3  
PRODUCT CLASS: ALKYD RESIN PRIMER

Dear Sir:

My services have been retained as a Safety Consultant and it is in this capacity that I am requesting information concerning the packaging of *Kilz 1 Gallon Metal Cans*, a consumer product. My client wishes to ship this product in a 1/2 box, shrink-wrapped to a pallet.

We believe that *shrink-wrap*, as applied, is as strong or stronger than the current cardboard wrapping materials. See enclosed photos of the current as well as the suggested packaging.

Please inform us of any testing that has been conducted to determine the strength of the cardboard versus the strength of *triple wrapped* shrink-wrap, as well as testing protocols. Enclosed is a copy of the current Material Safety Data Sheet for your review.

If you have any questions concerning this matter, please contact my office at (909) 596-8070.

Respectfully,

Michael V. Nicholas WSO CSSD CHMS REA

MN/cg

2120 Foothill Boulevard  
Suite 210  
La Verne, CA 91750

(909) 596-8070  
FAX: (909) 596-9644

BEHR/DIRECT

This correspondence is advisory only. It does not attempt to list all existing hazards, or to indicate that if other hazards exist, they are adequately controlled. Safety of your premises, products, operations, employees and other persons are your primary responsibility and this opinion does not relieve you of this responsibility.