



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

MAY 15 2002

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

Mr. Robert DeMatteo  
Traffic Manager  
Ronson Consumer Products Corporation  
P. O. Box 3000  
Woodbridge, NJ 07095-0995

Reference No.: 02-0094

Dear Mr. DeMatteo:

This is in reponse to your letter requesting clarification relating to shipments of cigarette lighters and butane refills under the provisions of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your company's product, called a Tech Torch, consists of one cigarette lighter containing flammable gas, one butane refill containing 42 grams of butane, and one empty micro torch (no ignition). You state in your letter that the Tech Torch will be submitted for testing and approval and will be packaged in either a heat sealed clam shell or a covered vacuum form tray, and then packaged in a 4G fiberboard box. Transportation of the product is via highway.

In a conversation with a specialist in the Hazardous Materials Information Center, you were advised that the shipping name and marking for your product was "1 Lighter" and "Consumer Commodity, ORM-D". Specifically, you wish to confirm the proper shipping name, marking requirements and applicability of the exception for lighters in § 173.308(b). You also ask what the correct description would be if you fill the torch, which has a safety lock, with 9 grams of flammable gas.

The lighters may be described on the shipping paper as "Lighters, 2.1, UN1057"; the package marking would be "Lighters, UN1057". However, as provided by § 173.308(b)(4), when no more than 1,500 devices covered by this section are transported in one motor vehicle by highway, the requirements of parts 172 and 177 of the HMR do not apply, but the outer packaging must be plainly and durably marked with the required proper shipping name or the words "CIGARETTE LIGHTERS" and the number of devices in the package.

Under the provisions in § 173.306(a)(1) and (h), the refill container with less than 4 ounces of Butane may be renamed "Consumer commodity" and reclassified as ORM-D if it meets the definition of "Consumer commodity" as defined in § 171.8. An ORM-D material, being transported by highway, is not subject to the requirements in subparts C (shipping papers), E (Labeling), F (Placarding), and G (Emergency Response Information) of part 172. The outside packagings must be marked "Consumer commodity" (see § 172.301) and "ORM-D" (see § 172.316).



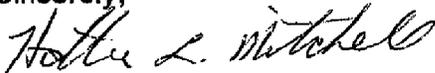
020094

173.306

Under the current scenario, the torch is empty and is not subject to the HMR. If, in the future, you decide to offer the torch filled with 9 grams of butane for transportation in commerce, it may be renamed "Consumer commodity" and reclassified "ORM-D" the same as the refill container.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell".

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

# RONSON®

RONSON CONSUMER PRODUCTS CORPORATION  
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P.O. BOX 3000 WOODBRIDGE, NJ 07095-0995

Corbin  
§ 172.101  
§ 173.306  
Proper Shipping Name  
02-0094  
TEL: 732-636-2430  
FAX: 732-636-5112

March 28, 2002

**Mr. Edward Mazzuilo**  
Director, Office of Hazardous Materials Standards  
400 7<sup>th</sup> Street SW, Suite 8422  
Washington, DC 20590

Subject : A Written Interpretation Request

Dear Mr. Mazzuilo:

I am writing to request a written interpretation from the Office of Hazardous Materials Standards for the following:

- Each package contains
- (1) Cigarette Lighter containing Flammable Gas Refillable
  - (1) Butane Refill 42 gram
  - (1) Micro Torch (empty no ignition)

These items will be packaged in two styles. Each in its own shipping carton.

- 1. Heat sealed clam shell (picture enclosed)
- 2. Vacuum form tray with cover (picture enclosed)

Both are used to display product in the store. We will send these items packed in a shipping carton, which will be 4G tested as per 172.102 special provision N10 and for approval per 173.21 (I) (We now have approval # T0160 for all other lighters we ship). The Butane Refill is classified as Consumer Commodity ORM-D per 173.306 (a)(1) and 173.306(h). For the lighter there exists an exception to part 172 C through H and part 177 as provided by 173.308 (b)(4). After talking with Ben, a member of your staff, on 3/28/2002, he advised me that the proper shipping name marking on the shipping carton would be **Lighters 1 and Consumer Commodity ORM-D**. He agreed that I could use Consumer Commodity ORM-D as a description on my shipping papers.

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Ben also confirmed that this interpretation also applies if we were to fill the torch with flammable gas (no ignition). The torch has a safety lock on the knob and holds 9 grams of flammable gas.

Thank you in advance for your assistance with this matter.

Sincerely,



Robert DeMatteo  
Traffic Manager