



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

OCT 16 2002

Mr. Joe Yelverton  
Mountain Safety Research  
3800 First Avenue South  
Seattle, WA 98134

Ref. No. 02-0219

Dear Mr. Yelverton:

This is in response to your August 16, 2002 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request confirmation that your product meets the limited quantity provisions in § 173.306(a)(1). You also asked whether your product may be renamed "Consumer Commodity" and reclassified as "ORM-D" material.

You describe your product as a 4 ounce capacity can containing liquefied petroleum gas (LPG). You also state that your product is intended to be sold to consumers for personal consumption and, therefore, meets the definition of a "Consumer Commodity" as defined in § 171.8.

Your understanding is correct. Your product consisting of a mixture of liquefied compressed gases in a container of not more than four (4) fluid ounces capacity, meets the definition for a limited quantity under § 173.306(a)(1) of the HMR and is, therefore, excepted from the specification packaging requirements and labeling requirements except when offered for transportation by air. Further, the provisions in § 173.306 specify that a limited quantity which conforms to § 173.306(a)(1) and meets the definition of consumer commodity may be renamed "Consumer Commodity" and reclassified as "ORM-D" material.

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

Sincerely,

Delmer Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



020219

173.306



Mountain Safety Research



Webb  
§ 173.306  
Consumer Commodity  
82-02.19

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August 16, 2002

RSPA Office of Hazardous Materials Standards (DHM-10)  
U.S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590-0001

To whom it may concern:

I would like to request a written interpretation regarding the classification of a 4 ounce LPG can as ORM-D, as per the limited quantity provisions in § 173.306(a) and the consumer commodity provisions contained in § 173.306(h). The material in question is classified as 2.1, the UN number is 1075, and the can is intended to be sold for personal consumption per the definition of a Consumer Commodity. The contents of the can are:

- Normal Butane ≈ 5%
- 2-Methyl Propane ≈ 72%
- Propane ≈ 22%

In addition, I would like to request written interpretation of § 173.306(a) as it relates to the exception of "specification packaging." Currently, we have a DOT exemption for the same material (DOT-E 11914), but in an 8 ounce can. Specifically, does a 4 ounce can (as previously described) qualify for an exception, excluding the DOT exemption requirement?

If you have any questions please do not hesitate to call me.

Sincerely,

Joe Yelverton