



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

AUG 15 2005

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

Ms. Sherry Anderson  
Vice President  
CheckPoint Mailers Incorporated  
P.O. Box 389  
Kernersville, NC 27285

Ref. No. 05-0156

Dear Ms. Anderson,

This responds to your June 29, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they apply to the transportation of lighters. Specifically, you ask about transportation requirements for lighters that are drained or emptied of flammable gas or flammable liquid prior to transportation. Your letter describes the procedure you employ to empty and package lighters for transportation.

Lighters that have been cleaned of residue and purged of vapors to remove any potential hazard are excepted from the requirements of the HMR (see § 173.29(b)(2)(ii)). The HMR do not provide a procedure for cleaning and purging lighters of flammable residue and vapors. The procedure your company uses to empty lighters requires employees to release the fuel through a valve located on the bottom of the lighter. The procedure outlined in your letter does not include an effective method of purging the lighters of flammable vapors. In order to transport the lighters as a non-hazardous material, your company must use a procedure that purges the lighters of all flammable vapors (e.g., running an air stream through the fuel reservoir for a sufficient time to remove all traces of fuel).

Lighters that are not cleaned of residue and purged of vapors must be shipped in accordance with the applicable requirements of the HMR. Under the HMR, a lighter and its inner packaging must be approved for transportation by the Associate Administrator for Hazardous Materials Safety (see § 173.21(i)). Additional packaging and marking requirements for lighters are specified in § 173.308.

Your letter indicates that you ship a substantial number of lighters by mail. The HMR do not apply to any matter subject to the postal laws and regulations of the United States (see § 171.1(d)(7)). Therefore, lighters transported by the United States Postal Service are not subject to the HMR. You should contact the United States Postal Service directly concerning requirements for shipping lighters by mail.



050156

173.21(i)  
173.308

You may be interested in a notice of proposed rulemaking, published on August 16, 2004 (Docket No. PHMSA-2004-18795; HM-237), proposing to amend the requirements of the HMR applicable to lighters and lighter refills. The notice is available at:

<http://hazmat.dot.gov/regs/rules/final/69fr/docs/69fr-50975.pdf>

I hope this information is helpful.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards

Checkpoint  Mailers™  
Incorporated

HAZMAT SAFETY  
DOT/RSPA  
05 JUN 24 PM 1:59

Eichenlaub  
\$173.21 (i)  
\$173.308  
Lighters  
05-0156

June 23, 2005

Dear Mr. Kenny Herzog  
Associate Administrator for Hazardous Materials, Safety, Pip HMSA  
U.S. Department of Transportation  
400 7<sup>th</sup> St. SW  
Washington, DC 20590-0001  
Attention: PHH-32

First of all, we would like to thank you for your prompt assistance with our difficult lighter situation. We would truly appreciate your timely response to what could easily lead to a very adverse financial situation for our company, CheckPoint Mailers, Inc.

CheckPoint Mailers Inc. was formed 2003 to meet the needs of the US Airports, the TSA and the traveling public, who may have traveled with items that were prohibited on commercial aircrafts after September 11<sup>th</sup>. In forming CheckPoint Mailers, we worked closely with the FAA Hazmat Office in Atlanta, our local and regional USPS Offices and the Department of Homeland Security to make sure we were in compliance with the needs of all agencies concerned.

Lighters have been a major part of our business since the inception of CheckPoint Mailers. However, since the new lighter regulations of 2005, lighters now make up 50 percent of our revenue. As a small, female-owned, DBE certified company, this ban would have devastating financial ramifications that we may not be able to recover from.

This ban would not only affect our company... it would be far reaching. We currently serve 25 of the nations largest airports with another 14 scheduled to open this summer. The traveling public, the US Airports, U.S. Airlines, the Department of Homeland Security and TSA have all come to rely on us to help solve this public relations/security dilemma.

Please see the enclosed document ("Lighters- Drainable vs. Non-drainable") showing our compliance with both the FAA & USPS Hazmat Requirements. Since these regulations have been strictly adhered to by our company, I am respectfully requesting exemption from the following regulations: 49 CFR Parts 171-180; 49 CFR 107.117 #131.79; USPS Code DMM 601 (mailability) 10.13.4 and also any other related regulation that I may not be aware of.

I have enclosed a exhibit for your review of the current packing materials that are being used.

Thank you in advance for your assistance in helping our company resolve this issue. Please note that whatever procedures are necessary, we will fully comply with all that is required.

Sincerely,



Heather C. Lowry  
President  
Sherry L. Anderson  
Vice President

cc: Governor: Michael Easley  
Senator: Elizabeth Dole  
Congresswoman: Virginia Fox  
Homeland Security: Greg Soule  
TSA Asst. Secretary: David Stone  
Secretary of DHS: Mike Chertoff

For verification with the USPS please feel free to contact Keith Johnson or Mike Figlia @ 704-393-4703

**Exhibit #1**

You will find examples of drainable lighters in the padded envelopes with the proper packaging.

**Exhibit #2** *not enclosed since this is going by air.*

You will find examples of non-drainable lighters. Please note the lighters haven't been fueled due to the fact we sent this package via airmail. If these lighters had fuel in them this is how they would be processed and packaged.

**Lighters  
Drainable vs. Non-drainable**

**Immediately after September 11, 2001 torch lighters were banned from commercial aircrafts.**

CheckPoint Mailers contacted the FAA Hazmat team in Atlanta, GA to make sure we were in compliance with their regulations. We worked with Threasa Haley of the Atlanta office and were told based on our procedures that we were in complete compliance with the FAA Hazmat regulations.

In order for a lighter to be sent via First Class USPS mail the following procedure has to be followed:

- The lighter needs to be hand inspected
- The lighter needs to be drained of fluid
- The lighter needs to be re-drained for residue
- The lighter needs to be wrapped in foil to prevent striking
- The lighter needs to be wrapped in bubble wrap for padding
- The lighter is then put in a padded mailer/box to be shipped

For verification with the FAA Hazmat (Atlanta Region) please feel free to contact Threasa Haley at 678-249-8266.

**As of April 14, 2005 all lighters have been banned from commercial aircrafts.** Due to this new requirement some lighters can be drained, if they can, the guidelines of the FAA Hazmat must be followed since their agency governs anything that goes by aircraft. If a lighter cannot be drained the USPS governs the procedure to be followed.

In order for a lighter, that is non-drainable, to be sent surface mail through the USPS the following procedure has to be followed:

- The lighter needs to be hand inspected
- The lighter needs to be foil wrapped
- The lighter needs to be bubble wrapped
- The lighter needs to be boxed
- The box needs a sticker that says "Surface Mail Only"

**10.13.4 Cigarette Lighters**

A cigarette lighter equipped with an ignition element and containing fuel is a Class 3 flammable liquid. A cigarette lighter that contains a flammable gas is classed as a Division 2.1 flammable gas. A cigarette lighter containing either flammable liquid or flammable gas is permitted only in domestic mail via surface transportation when all of the following conditions are met:

The design of the lighter and its packaging are approved by the DOT Associate Administrator for Hazardous Material Safety, per 49 CFR 173.21(i) and 173.308; and a DOT Approval Number (T-Number) is issued.

The prospective mailer of the lighter submits to the appropriate PCSC manager a written request for authorization to mail the lighter, accompanied by a legible photocopy of the official DOT notice conveying the approval described in 10.13.4a and a specimen of the actual lighter, the packaging materials in which each lighter is to be mailed, the number of mailpieces and mailing location; and the mailer receives from the PCSC manager a letter approving the requested authorization for mailing.

When presented for mailing, the address side of the mailpiece containing the lighter prominently displays the T-Number, the proper shipping name "Lighter(s)" or "Lighter(s) for Cigarette," and the marking "Surface Only" or "Surface Mail Only"; all preparation and packaging requirements in the PCSC manager's approval letter are met; and a legible photocopy of the PCSC manager's approval letter accompanies the mailing. [C023.4.4]

July 10, 2003

### INSTRUCTIONS FOR LIGHTERS

**All field reps must follow each step for proper shipping for all lighters.**

#### **DRAINABLE**

Step 1.. Get a large paper clip and gently press on valve located on bottom of lighter till all gases are gone. Let it settle for a few minutes.

Step 2.. Repeat step one, let it settle again,

Step 3.. Test to make sure lighter is completely empty.

Step 4.. Wrap in heavy foil

Step 5.. Wrap in paper or bubble wrap for added cushioning, place in tuff guard bubbled mailer or box. Mail first class mail.

#### **NONDRAINABLE**

Step 1.. First try and light up the lighter to see if it has any fuel inside, if empty of all liquids (gases), please wrap tightly in heavy foil, than in paper or bubble wrap before going into the tuff guard mailer or box. Mail first class.

Step 2.. If the lighter flames up, you must separate the outer case from the inner housing unit. Place the two pieces side by side along with the customers address label, let it air out overnight.

Step 3.. Check the next day and put the lighter back together and see if all liquids or gases have evaporated by lighting up the lighter, if the lighter is empty follow step 1.. If not completely empty go to the next step.

Step 4.. After you have checked and if the lighter still has a flame please wrap in heavy foil, than wrap in paper or bubble wrap and place in tuff guard mailer or box for shipping. You must write "**Surface Mail**" only on outside of mailer or box.

**Any lighter that still has not been completely empty out of all gases or liquids must go surface mail.**