



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

OCT 11 2007

Mr. Rick Kite  
941 North Firefly  
Woodstock, Kansas 67235

Ref. No.: 07-0095

Dear Mr. Kite:

This responds to your letter regarding the definition of "aerosol" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as it applies to a mixture of propane and a small amount of silicon oil used in toy pellet guns. You ask if this product may be shipped as an aerosol if the amount of oil is increased.

As defined in 49 CFR 171.8, an "aerosol" is "any non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which [*underlining added for emphasis*] is to expel a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas." You describe the mixture of propane and oil as being used to lubricate toy guns. It is our understanding that this combination of propane and gas, commonly referred to as "green gas", is used primarily to operate and secondarily to lubricate gas-operated Airsoft pellet guns. This product does not meet the definition of "aerosol", as its sole purpose is not to disperse a lubricant. Therefore, the amount of oil with the gas is irrelevant. Also, the shipping description "UN 1950, Aerosols, 2.1," may not be used to describe this product for purposes of transportation in commerce. An appropriate shipping description is "UN1978, Propane mixture, 2.1." See § 172.101(c)(10). Limited quantity and ORM-D exceptions are limited to containers of not more than four fluid ounces capacity. See § 173.306(a). Larger containers must conform to the packaging requirements of §§ 173.304 and 173.305.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards



070095

172.101  
171.8  
173.306

Engrum  
§ 172.101  
§ 173.306, 171.8  
Applicability  
07-0095

To DOT Standards division,

From Rick Kite

Dir Sir,

Creig Genievich, inspector for the Eastern Division, requested I contact you for clarification on ID UN1950 Aerosol. (We have used a propellant, Propane, to disperse our Silicon oil for lubrication for our toy pistols for about 15 years. We follow DOT guidelines for the manufacture of the containers. The shippers thought didn't follow the guidelines for packaging and markings, thus they got a violation. I have since instructed them on the DOT proper label and shipping requirements spelled out in the DOT Regulation. After talking with Creig Genievich he said although the DOT regulations don't set the amount of product to be dispersed the small amount of oil in his opinion isn't enough for the aerosol interpretation. We know vast quantities of products on the market that use the same system to propel the products from the can for customer use. We can increase the amount of oil to be used but need the guidelines spelled out as the amount required. I believe no such amount will exist as each product would need to be stated in the amount required for each application. As in any product the propellant is considered the agent for dispersal and the amount product is second to that. Creig has sent me a letter from 1995, a DOT response to a manufacture question that was somewhat related to this inquiry. The reply from the DOT said minute amounts of product don't meet the Aerosol requirements but the amount has never been established as when 1950 will be met. We need to see if any amount will justify the requirement or we feel no amount other than zero would not establish the requirement. Please let us know as soon as possible as we are awaiting shipping products now. We have used UN1950 with all Fed Ex, UPS, United Postal for many years and follow their HAZMAT offices. Our containers meet the UN1950 packaging and label and outside boxing also meet all shipping guideline.

Thank You Rick Kite

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