



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG 10 1999

Mr. Dave Guldin
Sullivan and Guldin
317 Iroquois Lane
Seymor, TN 37865

Ref. No. 99-0134

Dear Mr. Guldin:

This is in response to your letter dated May 12, 1999, concerning the requirements for classifying your product under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if your product "Alaskan Fire Mite" can be classified as a consumer commodity.

The answer to your question is no. Based upon the information we have received, it appears that your product has the potential of being a self-ignition source. If that is the case, your product is forbidden from transportation in commerce based on the requirements of § 173.21.

To be of further assistance in classifying your product, we need additional specific information on how the device functions. This includes specific information and test results on the ignition method and tests required by §§ 173.124 and 173.186(a).

If you have further questions, please do not hesitate to contact this Office.

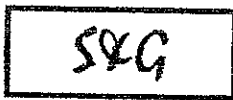
Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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173.151



Sullivan and Guldin

1022 Dunton St ~ Ketchikan, Alaska 99901
Phone (907) 247-7031 ~ Email guldin@ptialaska.net

Nelson

173.151

99-0134

May 12, 1999

Department of Transportation
Office of Hazardous Materials Standards
400 7th St SW
Washington, DC 20590

Dear Sir or Madam,

We would appreciate some clarification on shipping rules for a new product. We want to ensure that we remain in compliance with all applicable federal laws and have done some research into the matter, but want to make sure that we understand the rules correctly.

First, let me describe the product and then explain how we interpret the rules. Please advise us in writing if our interpretation is correct.

The product is known as the Alaskan Fire Mite™, a product used for starting barbecue grills, campfires, woodstoves, and fireplaces. The product is manufactured from the following materials: 100% cotton terry cloth, semi-refined paraffin wax, and strike anywhere matches. The manufacturing process involves taking a 3" wide by 45" long strip of terry cloth and laying strike anywhere matches every 2.5 inches. Melted paraffin wax is then poured over the strip and the strip is rolled into a tight cylinder. Each match becomes fully coated in paraffin in this process.

The finished product is a 3" long by 2" wide cylinder that is very hard, similar to a candle. The matches are entirely covered by both wax and the terry cloth. No match touches another, nor does any match touch anything that would allow friction to ignite it. Each match is fully immobilized. Please see attached drawing for reference. We have tested this product by placing it in a clothes dryer and tumbling on low heat (app. 105°F) for three hours with no ill effects. The paraffin has a melt point of 127°F and a flash point of >350°F and has "No materials or ingredients in hazardous concentrations" as defined under 29 CFR 1910.1200. We also have approached the local fire department to see if they have any concerns with the product and they felt the product was both safe and stable.

Each individual unit is packaged in a poly bag, and we intend to ship in cases of 24 units (app. 6lbs.) and 48 units (app. 12 lbs.). Each case will be 200lbs. test cardboard. We intend to ship only by ground.

In talking with several people at the DOT, including Michael Stevens, Charles Key, and Linda Cooper, I have gathered together the pertinent CFR regulations. As I understand it, because the matches are an integral part of the product, are immobilized, and are safely contained in the product, that the shipping regulations of 49 CFR 173.186 do not apply. I believe that the "Consumer Commodity" exemption in 49 CFR 173.151 would cover this product. The product clearly falls under the definition of Consumer Commodity under 49 CFR 171.8 and would therefore be reclassified as ORM-D material, and would only require labeling as such.

Please let me know if this interpretation is correct. Feel free to contact me at the above address, phone, or e-mail with any questions you may have. Thanks for your time and attention in this matter.

Sincerely,

Dave Guldin

Encl: Drawing