



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 6 2007

Mr. Shawn Miller
Hazmat Coordinator
MicroPhase Coatings, Inc
170 Donmoor Court
Garner, NC 27529

Ref. No.: 07-0041

Dear Mr. Miller:

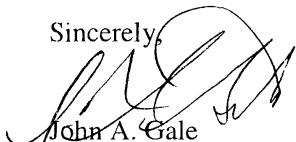
This is in response to your February 12, 2007 letter regarding classification of your company's products classed as Class 3, flammable liquids and whether they may be reclassified and described as a Consumer commodity, ORM-D in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

The material safety data sheets you enclosed indicate the proper shipping description for both of your products is "Flammable Liquids, n.o.s. (methanol, isopropanol), UN1993, III". The limited quantity provisions for Class 3 materials in § 173.150(b) authorize exceptions from labeling, except when transported by air, and from specification packaging requirements when packaged in appropriate combination packagings. Each package must conform to general packaging requirements in Subpart B of Part 173 and may not exceed 30 kg (66 pounds) gross weight. Flammable liquids in Packaging Group III may be packed in inner packagings not over 5.0 L (1.3 gallons) net capacity each, packed in strong outer packagings. In addition, placarding of the transport vehicle is not required.

A material that meets the limited quantities provisions in § 173.150(b) and is a consumer commodity as defined in § 171.8, may be renamed "Consumer commodity" and reclassified as ORM-D material. In addition to the exceptions in § 173.150(b), ORM-D materials are not subject to shipping paper requirements unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft. In addition, ORM-D materials are eligible for the exceptions provided in § 173.156.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



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



070041

173.150(b)
173.156

Leary
§ 173.150
§ 173.101
ORM-D Consumer Commodity
07-0041



70 Dcnmoor Court
Garee, NC 27529
919-779-7679 Phone
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Attn: Edward Mazzullo
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Office of Hazardous materials Safety
400 7th St., S.W.
Washington, DC 20590

Edward Mazzullo,

We are looking to obtain letters of interpretation on two of our marine bottom paint products we provide to the market. I have included a product (Can) label as well as the MSDS for each product for your evaluation.

They are both being sold at retail as Class 3 Flammable Liquids and we would like to re-class both products as ORM-D Consumer commodity materials. We understand that UN1263 PG II Special provision 149 allows for the limited quantity maximum net capacity for inner packagings may be increased to 1.3 gallons. Also the exception 173.150 allows for consumer commodity classification under the correct labeling and packaging.

Both of these products are being sold for over-the-counter purchase at marine stores throughout the country. They are both do-it-yourself products that the average consumer may apply to his or her boat.

What we would like are letters of interpretation of these two products in order to fully understand our shipping guidelines under consumer commodity distribution.

Any guidance you may give with this classification change will be greatly appreciated.

Thank you for your time!

Best Regards,

A handwritten signature in black ink, appearing to read 'S. Miller', written over a white background.

Shawn Miller
Hazmat Coordinator