



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

May 12 2007

Ms. Alicia Gaines
Manager, Global Dangerous Goods Program
Abbott
Dept. 0539, Bldg. AP52-S
200 Abbott Park Road
Abbott Park, Illinois 60064-6212

Ref. No.: 07-0091

Dear Ms. Gaines:

This is in response to your letter dated May 4, 2007 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) requirements applicable to sample aerosol products classed as Division 2.2 with no subsidiary hazard carried on board an aircraft in checked baggage for business purposes. Specifically, you ask if an employee carrying company products may utilize the exception provided in § 175.10(a)(1)(ii) for these products provided the quantity limitations in § 175.10(a)(1)(iii) are met.

The answer is yes. As provided by § 175.10(a)(1)(ii), aerosols of Division 2.2, with no subsidiary hazard meeting the quantity limits of paragraph (a)(1)(iii) may be carried in checked baggage only. Release devices on aerosols must be protected by a cap or other suitable means to prevent inadvertent release. Flammable aerosols that are not medicinal or toilet articles for personal use are not permitted in checked or carry-on baggage.

I hope this information is helpful.

Sincerely,

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



070091

175.10(a)(1)



ABBOTT

Leary
§175.10 (a)(1)
Air
07-0091

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May 4, 2007

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Re: Request for interpretation concerning carrying aerosols classified as Division 2.2 non flammable gas per 175.10(a)(1).

Dear Mr. Mazzullo

In reviewing the regulations below, I have a question regarding applicability pertaining to 49 CFR 175.10 (a) (1).

49 CFR 175.10 (a) (1)

- (i) Non-radioactive medicinal and toilet articles for personal use (including aerosols) carried in carry-on and checked baggage. Release devices on aerosols must be protected by a cap or other suitable means to prevent inadvertent release;
- (ii) Other aerosols in Div. 2.2 (nonflammable gas) with no subsidiary risk carried in checked baggage only. Release devices on aerosols must be protected by a cap or other suitable means to prevent inadvertent release; and
- (iii) The aggregate quantity of these hazardous materials carried by each person may not exceed 2 kg (70 ounces) by mass or 2 L (68 fluid ounces) by volume and the capacity of each container may not exceed 0.5 kg (18 ounces) by mass or 500 ml (17 fluid ounces) by volume.

Utilizing 49 CFR 175.10 (a)(1)(ii), can an employee who is employed by a company carry final products, samples of products for customers, etc. for business purposes that are classified as aerosols Division 2.2 (non flammable gas) with no subsidiary risk in their checked baggage on an airplane using this exception as long as the aggregate quantity in 49 CFR 175.10 (a)(1) (iii) is met?

Sincerely

Alicia Gaines
Manager, Global Dangerous Goods Program