

Hazardous Materials Bulletin

SPECIAL QUANTITY PROVISIONS

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Part 173 (CFR, Title 49) contains several exceptions from the Federal Hazardous Materials Regulations (FHMR) for certain classes of hazardous materials, based on quantity per package. This document is an overview of those provisions.

Small Quantity Exceptions, §173.4

This section provides relief for the following classes/divisions: 3, 4.1, 4.2 (PG II and III), 4.3 (PG II and III), 5.1, 5.2, 6.1, 7, 8, and class 9 materials that also meet the definition of one or more of these hazard classes. Provided the package meets the requirements in this section, it is not required to meet any other requirement of Subchapter C (Parts 171-180). If it is other than a 6.1 PG I material, it cannot exceed 30 ml (1 oz) of liquid material, or 30 g (1 oz) of solid material, per inner receptacle. For 6.1 PG I materials, it cannot exceed 1 g (.04 oz) per inner receptacle. There are additional provisions that must be complied with, such as package securement, package testing, absorbent material, and outage limits. The package cannot be opened or otherwise altered until it is no longer in commerce, and the package must be marked with a shipper's certification that it meets the requirements of §173.4. If specifically approved by the Associate Administrator for Hazardous Materials Safety of RSPA, classes/divisions 2, 4.2 (PG I), and 4.3 (PG I) may also be transported under this section.

Limited Quantities

To use a limited quantity exception, the user **must** be referred to a section authorizing this provision by Column 8a (the "exceptions" column) of the Hazardous Materials Table (§172.101). If, in place of a section number, Column 8a shows "None," then there are no limited quantity exceptions for that material, and any shipment of that material, regardless of quantity, must comply with the FHMR. If there is a section number present, the user must read the section to determine the net capacity allowed for the limited quantity exception. Except for 6.1 materials, limited quantities are exempted from labeling, but the shipping paper must reflect "Limited quantity" (§172.203(b)). While a limited quantity, the material retains its original hazard class and identification number, although the identification number is not required to be marked on the package (§172.301(a)(1)).

Limited quantities may be further exempted from the FHMR by renaming it a Consumer Commodity, and reclassification to an ORM-D. Once an ORM-D, the original hazard class no longer applies. A consumer commodity is a limited quantity that is intended or suitable for sale through retail sale agencies or instrumentalities for consumption by individuals for purposes of personal care or household use, and includes drugs and medicines. Note that the consumer commodity must first meet all the requirements of a limited quantity. If authorized, the same section that provides the limited quantity exception will permit the reclassification to consumer commodity. Again, the consumer commodity provision cannot be used unless Column 8a specifically authorizes the use of that section for that material.

Consumer commodities are generally limited to 30 kg (66 lbs.) gross weight, and are exempted from shipping papers and emergency response information (unless a hazardous substance, waste, marine pollutant, or transported by aircraft; see §172.200(b)(3)). While exempted from the identification number package marking (§172.301(f)(1)), the package must be marked ORM-D, per §172.316. ORM-D materials are not issued packing groups. Currently, the only proper shipping names that are classed as an ORM-D by the Hazardous Materials Table are "Cartridges, small arms," and "Consumer commodity."

Exceptions for Class 3, Divisions 4.1, 4.2, 4.3, 5.1, 6.1, and Class 8, 9 materials

One other provision for a number of hazard classes that is based on quantity is §173.13, Exceptions for Class 3, Divisions 4.1, 4.2, 4.3, 5.1, 6.1, and Class 8, 9 materials. This provision exempts the above classes/divisions from labeling and placarding provided all the requirements of the section are met. For liquids, the inner capacity may not exceed 1.2 liters, and 2.85 kg for solids. There are certain packaging requirements that must be met, in addition to the proper shipping name marking, and a statement, "This package conforms to 49 CFR 173.13."

The intent of these exceptions is to provide relief from the requirements of the FHMR for quantities of hazardous materials that do not pose a significant threat to safety while in transportation. Improper packaging or communications, however, may endanger the lives of emergency response personnel, industry personnel, or the general public. When utilizing these exceptions, take extra precautions to ensure complete compliance with the regulations.

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