



## CONSUMER COMMODITY SHIPPING

Per the HMR (CFR49), the DOT requires the shipper to classify their product (if not already identified by a Proper Shipping Name) to see if it meets any of the 9 regulated hazard class definitions. Once classified, the shipper must select the proper shipping name and UN number, as well as the Packing Group, for the material from the almost 3,000 proper shipping descriptions found in 49CFR §172.101 of the Hazardous Materials Table.

Once this is established, the shipper must then determine if there is any relief or partial exception from being fully regulated based on the inner package format the material or article being shipped is packaged. This relief is offered to packagings which are in relatively small amounts or as the regulations state "limited quantities". This exception does not apply to all hazard classes. Relief does not apply to single packagings and usually only applies to materials in combination packaging i.e. inner packagings inside an outer packaging and having a lower degree of danger or Packing Group. Some of these "limited quantity" provisions then offer additional relief for materials also meeting the definition of a "consumer commodity" (49 CFR §171.8). *-a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use.*

This relief is due to the fact that consumer-protection laws keep the most hazardous materials from lawful distribution through retail outlets, for example, large drums of industrial-strength corrosive liquids. Also, per the definition, the article or material must be packaged to sell "*for consumption by individuals for purposes of personal care or household use.*" Once you get beyond the common items you might find in a local hardware or drug store, you should be very careful in deciding whether you can ship your product as a consumer commodity. To review:

1. Does your material meet any of the 9 hazard class criteria
2. After selection the proper identification- do any limited quantity exceptions apply,
3. Does your packaging meet the size limits as a limited quantity,
4. Is there any more relief if offered as a consumer commodity and your product meets that description,
5. Do you have a product legal to sell to consumers for their personal use, and
6. Is it packaged appropriate for retail sale?

The international air regulations of ICAO/ IATA, also use the term "consumer commodity," but the international term does *not* coincide with the U.S. definition and is much more limited. The domestic ORM-D Consumer Commodity marking is not recognized internationally and the DOT, in an effort to implement global harmonization, have recently introduce regulatory changes to phase out it's usage by December, 2012.

IATA DGR Special Provision A112 states "*Consumer commodities may only include substances of Class 2 (nontoxic aerosols only), Class 3, packing group II or III, Division 6.1 (packing group III only) UN3077, UN3082 (environmentally hazardous materials) and UN3175(solids containing flammable liquids), provided such substances do not have a subsidiary risk. Dangerous goods that are forbidden from transport on passenger aircraft must not be transported as consumer commodities*"

Packaging requirements by air by way of Packing Instruction Y963 are much more stringent. Marking and labeling of packaging is completely different. The shipping paper requirements include completing a Shipper's declaration for Dangerous Goods which, from experience, can be a major problem for those unfamiliar with the international air regulations. All of these requirements are covered completely in our training webinar.