

addition to the exceptions provided by paragraph (b) of this section, shipments of ORM-D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in §173.156.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended by Amdt. 173-231, 57 FR 52940, Nov. 5, 1992; Amdt. 173-241, 59 FR 67508, Dec. 29, 1994; Amdt. 173-261, 62 FR 24733, May 6, 1997; 66 FR 45381, Aug. 28, 2001; 68 FR 45033, July 31, 2003; 69 FR 76156, Dec. 20, 2004]

**§173.153 Exceptions for Division 6.1 (poisonous materials).**

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §172.101 table of this subchapter.

(b) *Limited quantities.* The exceptions in this paragraph do not apply to poison-by-inhalation materials. Limited quantities of poisonous materials (Division 6.1) in Packing Group II and III are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For poisonous materials in Packing Group II, inner packagings not over 100 mL (3.38 ounces) each for liquids or 0.5 kg (1.1 pounds) each for solids, packed in a strong outer packaging.

(2) For poisonous materials in Packing Group III, inner packagings not over 4 L (1.0 gallon) each for liquids or 5.0 kg (11 pounds) each for solids, packed in a strong outer packaging.

(c) *Consumer commodities.* The following provisions apply to consumer commodities:

(1) A limited quantity of poisonous material in Packing Group III which conforms to the provisions of paragraph (b) of this section, and is a “consumer commodity” as defined in §171.8 of this subchapter, may be renamed “Consumer commodity” and reclassified as ORM-D.

(2) A poisonous material which is a drug or medicine and is a “consumer commodity” as defined in §171.8 of this subchapter, may be renamed “Consumer commodity” and reclassified as ORM-D material if packaged in a combination packaging not exceeding 30 kg (66 pounds) with inner packagings not over 250 mL (8 ounces) net capacity for liquids or 250 g (8.8 ounces) net capacity for solids packed in strong outer packagings. Each package must conform to the packaging requirements of subpart B of this part.

(3) Packages of ORM-D material are excepted from the specification packaging requirements of this subchapter and from the labeling requirements of subpart E of part 172 of this subchapter. Shipments of ORM-D material are eligible for the exceptions provided in §173.156 and in paragraph (b) of this section and are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, a hazardous waste, or a marine pollutant or unless offered for transportation or transported by aircraft.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended by Amdt. 173-231, 57 FR 52940, Nov. 5, 1992; 66 FR 45381, Aug. 28, 2001; 68 FR 45033, July 31, 2003; 69 FR 76156, Dec. 20, 2004]

**§173.154 Exceptions for Class 8 (corrosive materials).**

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §172.101 table of this subchapter.

(b) *Limited quantities.* Limited quantities of corrosive materials (Class 8) in Packing Group II and III are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and

the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For corrosive materials in Packing Group II, inner packagings not over 1.0 L (0.3 gallon) net capacity each for liquids or not over 1.0 kg (2.2 pounds) net capacity each for solids, unless the material has a subsidiary hazard of Division 6.1, Packing Group II in which case the inner packagings may not exceed 100 mL (3.38 ounces) for liquids or 0.5 kg (1.1 pounds) for solids, packed in a strong outer packaging.

(2) For corrosive materials in Packing Group III, in inner packagings not over 5.0 L (1.3 gallons) net capacity each for liquids, or not over 5.0 kg (11 lbs) net capacity each for solids, and packed in strong outer packagings.

(c) *Consumer commodities.* Except for a material that has a subsidiary hazard of Division 6.1, Packing Group II, a limited quantity which conforms to the provisions of paragraph (b) of this section, and is a “consumer commodity” as defined in § 171.8 of this subchapter, may be renamed “Consumer commodity” and reclassified as ORM–D. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM–D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in § 173.156.

(d) *Materials corrosive to aluminum or steel only.* Except for a hazardous substance, a hazardous waste, or a marine pollutant, a material classed as a Class 8, Packing Group III, material solely because of its corrosive effect—

(1) On aluminum is not subject to any other requirements of this subchapter when transported by motor ve-

hicle or rail car in a packaging constructed of materials that will not react dangerously with or be degraded by the corrosive material; or

(2) On steel is not subject to any other requirements of this subchapter when transported by motor vehicle or rail car in a bulk packaging constructed of materials that will not react dangerously with or be degraded by the corrosive material.

[Amdt. 173–224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; 57 FR 45463, Oct. 1, 1992; Amdt. 173–231, 57 FR 52940, Nov. 5, 1992; 68 FR 45033, July 31, 2003; 69 FR 76157, Dec. 20, 2004]

**§ 173.155 Exceptions for Class 9 (miscellaneous hazardous materials).**

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the § 172.101 table of this subchapter.

(b) *Limited quantities.* Limited quantities of miscellaneous hazardous materials (Class 9) are excepted from labeling, unless offered or intended for transportation by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of these limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For liquids, inner packagings not over 5.0 L (1.3 gallons) net capacity each, packed in strong outer packagings.

(2) For solids, inner packagings not over 5.0 kg (11 pounds) net capacity each, packed in strong outer packagings.

(c) *Consumer commodities.* A limited quantity which conforms to the provisions of paragraph (b) of this section and is a “consumer commodity” as defined in § 171.8 of this subchapter, may be renamed “Consumer commodity” and reclassified as ORM–D material. In addition to the exceptions provided by