

(2) For Division 4.3 solids in Packing Group III, inner packagings not over 1 kg (2.2 pounds) net capacity each, packed in strong outer packagings.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended by Amdt. 173-231, 57 FR 52940, Nov. 5, 1992; Amdt. 173-234, 58 FR 51532, Oct. 1, 1993; Amdt. 173-255, 61 FR 50626, Sept. 26, 1996]

§ 173.152 Exceptions for Division 5.1 (oxidizers) and Division 5.2 (organic peroxides).

(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 oxidizers (Division 5.1) in Packing Groups II and III and organic peroxides (Division 5.2) 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 of part 172 (Placarding) 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 oxidizers 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, packed in strong outer packagings.

(2) For oxidizers in Packing Group III, inner packagings not over 4.0 L (1 gallon) net capacity each for liquids or not over 5.0 kg (11 pounds) net capacity each for solids, packed in strong outer packagings.

(3) For organic peroxides which do not require temperature control during transportation—

(i) For Type D, E, or F organic peroxides, inner packagings not over 125 mL (4.22 ounces) net capacity each for liquids or 500 g (17.64 ounces) net capacity for solids, packed in strong outer packagings.

(ii) For Type B or C organic peroxides, inner packagings not over 25 mL (0.845 ounces) net capacity each for liquids or 100 g (3.528 ounces) net capacity for solids, packed in strong outer packagings.

(4) For polyester resin kits consisting of a base material component (Class 3, Packing Group II or III) and an activator component (Type C, D, E, or F organic peroxide which does not require temperature control)—

(i) The organic peroxide component must be packed in inner packagings not over 125 mL (4.22 ounces) net capacity each for liquids or 500 g (17.64 ounces) net capacity each for solids;

(ii) The flammable liquid component must be packed in inner packagings not over 1.0 L (0.3 gallons) net capacity each for Packing Group II liquids or 5.0 L (1.3 gallons) net capacity each for Packing Group III liquids; and

(iii) The flammable liquid component and the organic peroxide component may be packed in the same strong outer packaging provided they will not interact dangerously in the event of leakage.

(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 paragraph (b) of this section, shipments 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, 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]

§ 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 of Division 6.1 materials.* Limited quantities of poisonous materials (Division 6.1) in Packing Group III are excepted from 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 of part 172 (Placarding) 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 liquids, inner packagings not over 4.0 L (1 gallon) net capacity each, packed in strong outer packagings; and

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

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

(1) 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.

(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]

§ 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 Groups II and III 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 corrosive materials in Packing Group II, in 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, packed in strong outer packagings.

(2) For corrosive materials in Packing Group III, in inner packagings not over 4.0 L (1 gallon) net capacity each for liquids or not over 5.0 kg (11 pounds) net capacity each for solids, 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