



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 18, 2022

Mariele Aparecida Nonis Munhoz  
Legal Department  
CBC Brazilian Cartridge Company  
Avenue Humberto de Campos, 3.220, Guapituba, Ribeirão Pires,  
São Paulo State, Brazil, 09426-900

Reference No. 22-0019

Dear Ms. Munhoz:

This letter is in response to your March 22, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the other regulated material-domestic (ORM-D) marking on packages of Division 1.4S “Cartridges, small arms.” You ask for clarification regarding the removal of the ORM-D marking from labels placed on packages given that the authorization to use the ORM-D classification—and use of the associated marking—expired on December 31, 2020. Specifically, you ask whether the ORM-D marking must be removed entirely from a package label for “Cartridges, small arms” or if it could still be used in association with the limited quantity marking to indicate the ORM-D classification.

The packages satisfy current marking requirements with display of the limited quantity marking, and there is no explicit requirement in the HMR for the old ORM-D marking to be removed prior to shipment. However, it is the opinion of this Office that the display of the ORM-D marking may be confusing and frustrate transportation of these packages because hazardous materials are no longer authorized to be reclassified as ORM-D and packages no longer required to be marked as such for transport. Therefore, while not covering the phased-out ORM-D marking is not in violation of the HMR, PHMSA suggests that the best way to avoid frustration of the shipment is to cover the ORM-D marking and to discontinue its use in future shipments.

Finally, please note that PHMSA is currently working on a rulemaking to remove all references to ORM-D including the “Cartridges, small arms, ORM-D” entry in the § 172.101 hazardous materials table.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

**From:** [DerKinderen, Dirk \(PHMSA\)](#)  
**To:** [Hazmat Interps](#)  
**Subject:** FW: Hazardous Materials Regulations (CFR, Title 49, Chapter 1, Subchapter C)  
**Date:** Tuesday, March 22, 2022 11:06:49 AM  
**Attachments:** [image004.png](#)

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FYI. By way of approvals.

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**From:** Approvals (PHMSA) <Approvals@dot.gov>  
**Sent:** Tuesday, March 22, 2022 11:01 AM  
**To:** DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>  
**Subject:** FW: Hazardous Materials Regulations (CFR, Title 49, Chapter 1, Subchapter C)

Looks like we received an interpretation request to the approval email inbox. Please forward accordingly, if I have sent to you in error Dirk.

Thanks in advance.

### **Duane M. Cassidy**

Chief, Pressure Vessels Branch (PHH-25)  
Sciences and Engineering Division  
Office of Hazardous Materials Safety

US Department of Transportation  
**Pipeline and Hazardous Materials Safety Administration**  
E21-301, 1200 New Jersey Ave SE, Washington, DC 20590  
Office: 202.366.5794 ♦ Mobile: 202.596.0583

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**From:** Mariele Aparecida Nonis Munhoz <[mariele@cbc.com.br](mailto:mariele@cbc.com.br)>  
**Sent:** Tuesday, March 22, 2022 10:13 AM  
**To:** Approvals (PHMSA) <[Approvals@dot.gov](mailto:Approvals@dot.gov)>  
**Cc:** Departamento Juridico <[dejur@cbc.com.br](mailto:dejur@cbc.com.br)>  
**Subject:** Hazardous Materials Regulations (CFR, Title 49, Chapter 1, Subchapter C)

### **U.S. DEPARTMENT OF TRANSPORTATION PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

-  
**Subject:** Hazardous Materials Regulations (CFR, Title 49, Chapter 1, Subchapter C).

Dear Sir/Madam,

We are writing to clarify the interpretation of the Hazardous Materials Regulations regarding the “ORM-D Marking” on packages of products classified as below:

Identification Number: UN0012 and UN0014  
 Hazard Class/Division: 1.4S

According to the Code of Federal Regulations, Title 49, Chapter 1, Subchapter C, §173.63(b)(1)(i) and §173.63(b)(1)(ii), that regulates cartridges and small arms, until December 31, 2020, the “Limited Quantity” marking could be replaced with the proper shipping name “Cartridges, small arms” or “Cartridges, power device (*used to project fastening devices*),” “Cartridges for tools, blank,” and “Cases, cartridge empty with primer” and reclassified as “ORM-D” material.

In our understanding, the limit date referenced on §173.63 (12/31/2020) arise from the phase-out of the “ORM-D” marking for hazardous materials and the implementation of the “Limited Quantity” marking as of January 1<sup>st</sup>, 2021.

Given this understanding, we would like to clarify if the “ORM-D” marking should be removed entirely from the package’s transportation label. Or if it should still be used, in addition to the “Limited Quantity” marking, to indicate the classification of the product, as seen in the chart below, referenced at §172.101, that contains the requirements for the marking of packages for transportation:

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§ 172.102)	(8)			(9)		Locati
							Packaging (§ 173.***)			Quantity limitations (see §§ 173.27 and 175.75)		
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	
	Cartridges, signal	1.4G	UN0312		1.4G		None	62	None	Forbidden	75 kg	02
	Cartridges, signal	1.4S	UN0405		1.4S		None	62	None	25 kg	100 kg	01
D	Cartridges, small arms	ORM-D			None	222	63	None	None	30 kg gross	Forbidden	A

We remain at DOT’s disposal for any further clarifications deemed necessary.

Best regards,



**Mariele Aparecida Nonis Munhoz**  
 Departamento Jurídico  
 +55 11 2139 8248  
[cbc.com.br](http://cbc.com.br)

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