



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

APR 01 2016

Mr. Matthew MacLean
Tailgate In A Box®
27 Haring Drive
Old Tappan, New Jersey 07675-7334

Reference No. 15-0149

Dear Mr. MacLean:

This is in response to your July 14, 2015 e-mails and subsequent telephone conversations with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of "UN 1057, Lighters *containing flammable gas*, 2.1 (flammable gas)" placed in a kit your company manufactures and has named "Tailgate In A Box®." Specifically, you request confirmation of your understanding that no regulatory language exists in § 173.308 that would prevent butane lighters from being placed in one packaging with other hazardous and/or non-hazardous materials.

As you have discussed with a member of my staff, the HMR permit lighters, as defined in § 171.8, that have been manufactured, examined, and successfully tested in accordance with the criteria specified in § 173.308(a) and (b) to be packaged together with other hazardous and non-hazardous materials as prescribed in §§ 173.21(e), 173.24(e)(4), 173.24a(c)(1), and 173.308(c), (d) and (e).

You stated that the lighter would be placed in a fiberboard box with paper and plastic eating utensils and paper products, and one aluminum tray filled with "Instant Lighting Charcoal Briquets," manufactured by Royal Oak Enterprises, LLC, in Roswell, GA. The material safety data sheet (MSDS) you provided for the briquettes describes them as "UN 1361, Carbon, 4.2 (spontaneously combustible material), Packing Group (PG) III," when shipped by vessel and as unregulated when transported by ground under 49 CFR 172.101(c)(12)(iv). The MSDS also states the briquettes are treated with an accelerant that is a hydrocarbon solvent mixture.

49 CFR 172.101(c)(12)(iv) states that "Except when a proper shipping name in the Table is preceded by a plus (+) ... (iv) if it is specifically determined that a material is not a forbidden material and does not meet the definition of any hazard class, the material is not a hazardous material." This exception does not apply to the accelerant treated briquettes you described because the MSDS you provided describes the briquettes as a hazardous material, "UN 1361,

Carbon, 4.2, III.” This classification is not mode specific and would remain in place unless you company has specific test data that shows the material as packaged no longer meets the definition of a hazard class.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
§ 173.308
Exceptions
15-0149

Dodd, Alice (PHMSA)

From: Edmonson, Eileen (PHMSA)
Sent: Wednesday, July 15, 2015 4:31 PM
To: Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)
Subject: FW: Exceptions for Safety Matches

Ladies –

Please enter this clarification letter (below) in Filemaker and assign it to me.

Thanks,

Eileen Edmonson
USDOT/PHMSA
(202) 366-4481 (w)
(202) 366-7041 (f)
eileen.edmonson@dot.gov (e-mail)
<http://www.phmsa.dot.gov/hazmat> (website)
infocntr@dot.gov (Hazmat Info Center E-mail)

From: matthew.maclean@ecoeasyllc.com [<mailto:matthew.maclean@ecoeasyllc.com>]
Sent: Tuesday, July 14, 2015 3:42 PM
To: Edmonson, Eileen (PHMSA)
Subject: Re: Exceptions for Safety Matches

Eileen,

To confirm our phone call, we agree that there is no language in section 173.308 that would prevent lighters from being shipped in outer container along with other contents subject to the HMR as long as lighters are packaged in accordance with all other requirements of section 173.308. Can you please confirm this?

Thank you,

Matthew MacLean

On Tue, Jul 14, 2015 at 3:06 PM, matthew.maclean@ecoeasyllc.com <matthew.maclean@ecoeasyllc.com> wrote:
Hi Eileen,

Thank you for taking the time to answer my questions. I understand from our phone call that in order to ship our products commercially we need to clearly label on the outside of the product that the lighter and charcoal are contained within the package as well as make sure the hazmat diamond is clearly visible on outside shipping container.

Thanks,

Matt MacLean

On Tue, Jul 14, 2015 at 2:28 PM, <eileen.edmonson@dot.gov> wrote:

Hello Matthew,

Here is the letter we discussed concerning safety matches and their exceptions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

<http://www.phmsa.dot.gov/staticfiles/PHMSA/Interpretations/2010/100072.pdf>

If you wish to write us for a letter of clarification that is specific to your issue, you can e-mail it to us at the address: infocntr@dot.gov

I hope this information is helpful.

Sincerely,

Eileen Edmonson

USDOT/PHMSA

[1-800-467-4922](tel:1-800-467-4922)

[202-366-7401](tel:202-366-7401) (fax)

www.phmsa.dot.gov/hazmat

infocntr@dot.gov

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Matthew MacLean

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MATERIAL SAFETY DATA SHEET**INSTANT LIGHTING
CHARCOAL BRIQUETS****SECTION I - CHEMICAL PRODUCT AND COMPANY IDENTIFICATION****TRADE NAME:** Instant Lighting Charcoal Briquets**BRAND NAMES:** Royal Oak, Great Lakes, Grill Time, Nature-Glo, Ole Diz and private labels**DATE:** 08/03/2010**SUPERSEDES DATE:** 01/02/2009**MANUFACTURER:** ROYAL OAK ENTERPRISES, LLC.**ADDRESS:** 1 Royal Oak Avenue
Roswell, GA 300076**MANUFACTURER PHONE:** 678 461-3200**24/7 EMERGENCY PHONE:** CHEMTREC. 800-424-9300**24/7 HEALTH EMERGENCIES:** 323-222-3212**SECTION II - COMPOSITION/INFORMATION ON INGREDIENTS**

| CHEMICAL NAME | CAS NUMBER | EINECS # | % |
|-----------------------------|------------|-----------|------|
| Char dust | 16291-96-6 | 240-383-3 | > 75 |
| Limestone | 1317-65-3 | 215-279-6 | < 10 |
| Sawdust | NE | NE | < 5 |
| Hydrocarbon solvent mixture | 8052-41-3 | 232-489-3 | >10 |
| | 68551-16-6 | 271-365-3 | |
| | 64742-47-8 | 265-149-8 | |

SECTION III - HAZARDS IDENTIFICATION**EMERGENCY OVERVIEW:** The following comments refer to the accumulated dust, not the lumps. Contact with dust will irritate the eyes and the respiratory tract. Avoid strong oxidizing agents.**POTENTIAL HEALTH EFFECTS:****ROUTES OF ENTRY:** Eye contact and inhalation.**TARGET ORGANS:** Eyes and respiratory system.**INHALATION:** Overexposure to the dust from breakage may cause transitory upper respiratory irritation.**SKIN CONTACT:** Is not a route of entry unless through open cuts and abrasions.**EYE CONTACT:** Dust from the breakage may cause irritation to the eyes.**INGESTION:** Not likely, if swallowed seek medical attention.

MATERIAL SAFETY DATA SHEET

INSTANT LIGHTING CHARCOAL BRIQUETS

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: May cause upper respiratory irritation and sensitive eyes.

CARCINOGENICITY: Not listed by NTP or IARC. Not regulated as a carcinogen by OSHA.

SECTION IV - FIRST AID MEASURES

INHALATION: Move to an area free from risk of further exposure, intentional sneezing or coughing can provide comfort. No adverse effects anticipated by this route of exposure incidental to proper handling.

EYE CONTACT: Flush with clean, lukewarm water raising upper and lower eyelids at low pressure for 15 minutes. Seek medical attention if no relief.

SKIN CONTACT: Wash affected areas with soap and water.

INGESTION: If eaten and victim complains of discomfort, induce vomiting. Lower the head when person is vomiting to minimize entry into throat and lungs.

SECTION V - FIREFIGHTING MEASURES

FLASHPOINT AND METHOD: ND

FLAMMABLE LIMITS: ND

EXTINGUISHING METHOD: Use dry chemicals, carbon dioxide and foam.

FIRE OR EXPLOSION HAZARDS: This material under complete combustion will form oxides of carbon.

SPECIAL FIREFIGHTING PROCEDURES: Keep upwind of fire. Full emergency equipment with self-contained breathing apparatus and full protective clothing should be worn by firefighters.

SECTION VI - ACCIDENTAL RELEASE MEASURES

SPILL OR LEAK PROCEDURES: Wear PPE. Avoid breathing char dust and place the collected material in a closed container.

Finish cleaning the area with small amounts of soap and water on the spill area.

SECTION VII - HANDLING AND STORAGE

STORAGE TEMPERATURE: Keep containers tightly closed and at room temperature.

SPECIAL SENSITIVITY: Avoid agitation of container to create breakage. Use outdoors with good ventilation.

HANDLING AND STORAGE PRECAUTIONS: Avoid breathing the char dust. Avoid eye contact with dust. Keep in cool dry area. Provide a cool well-ventilated area. Use normal safety procedures and good personal hygiene.

SECTION VIII - EXPOSURE CONTROLS/PERSONAL PROTECTION

MATERIAL SAFETY DATA SHEET

INSTANT LIGHTING CHARCOAL BRIQUETS

OSHA PEL Stoddard solvent, 2900 mg/m³; Char dust 0.4 mg/mg³, Sawdust 1 mg/mg³ and Limestone 15 mg/mg³

EYE PROTECTION: Use safety glasses or goggles, there is potential for dust exposure that may cause injury to the eyes.

SKIN PROTECTION: Wear fabric gloves.

RESPIRATORY PROTECTION: A dust respirator may be used.

ENGINEERING CONTROLS: Product is used outdoors, avoid breathing the char dust from breakage and the burning vapors.

SECTION IX - PHYSICAL AND CHEMICAL PROPERTIES

PHYSICAL FORM: Solid.

COLOR: Opaque black pillow-shaped briquets.

ODOR: Hydrocarbon.

SOLUBILITY IN WATER: Negligible

SPECIFIC GRAVITY (water=1): 2 to 3 @ 68 °F (20 °C)

SECTION X - REACTIVITY

STABILITY: This product is stable material under normal conditions of storage and handling.

HAZARDOUS POLYMERIZATION: Will not occur.

INCOMPATIBLES: Avoid contact with strong oxidizing agents.

DECOMPOSITION PRODUCTS: Product will burn and the products of complete combustion are oxides of carbon.

SECTION XI - TOXICOLOGICAL/ECOLOGICAL INFORMATION

Product is not toxic by definition.

The significant routes of exposure are inhalation and eyes.

SECTION XII - DISPOSAL CONSIDERATIONS

WASTE DISPOSAL METHOD: This material is solid with char dust from breakage, wear dust mask or dust respirator and remove the solid material. Dispose according to the regulations of local, state and Federal regulatory agencies.

SECTION XIII - TRANSPORTATION INFORMATION

US DOT SHIPPING NAME: Not hazardous by ground shipment, per 49 CFR Part 172.101(12)(iv).

MATERIAL SAFETY DATA SHEET**INSTANT LIGHTING
CHARCOAL BRIQUETS**

IATA SHIPPING NAME: Forbidden

IMO SHIPPING NAME: UN1361, Carbon, 4.2, III

Use packing instructions P002 and LP002.

SECTION XIV - REGULATORY INFORMATION

OSHA STATUS: This product is not hazardous under the OSHA criteria.

TSCA STATUS: Not listed.

CERCLA REPORTABLE QUANTITY: Not regulated under CERCLA.

CALIFORNIA PROPOSITION 65: Not regulated under California Proposition 65.

SARA HAZARD NOTIFICATION/REPORTINGIMMEDIATE Y FIRE N SUDDEN RELEASE OF PRESSURE NDELAYED N REACTIVE N

SARA TITLE III: None.

SECTION 302 EXTREMELY HAZARDOUS: None.

SECTION 311/312 HAZARD CATEGORIES: None.

SECTION 313 TOXIC CHEMICALS: None.

RCRA STATUS: Not regulated under RCRA

Right to Know; Product is not listed.

SECTION XV - OTHER INFORMATION/APPROVALSNational Fire Protection Association (NFPA)
Hazardous Materials Identification System (HMIS)

NFPA

HMIS

| | | | |
|----------------|------------|---|--------------|
| | 0 Least | | |
| 1 Health | 1 Slight | 1 | Health |
| 1 Flammability | 2 Moderate | 1 | Flammability |
| 0 Instability | 3 High | 0 | Reactivity |
| | 4 Severe | E | PPE |

SECTION XVI - ABBREVIATIONS /DISCLAIMER

REASON FOR ISSUE: New section XVI (16) format.

APPROVAL DATE: 08/05/2010

PREPARED BY: Dennis Belau
DBelau@comcast.net

REVIEWED BY: Regulatory division

Abbreviations:

| | |
|-------|---|
| AICS | Australian Inventory of Chemical Substances |
| CAS # | Chemical Abstract Service Number |
| °C | Celsius temperature scale |

MATERIAL SAFETY DATA SHEET**INSTANT LIGHTING
CHARCOAL BRIQUETS**

| | |
|----------|---|
| CI | China |
| DSL | Canada |
| ECL | Korean Existing Chemicals List |
| EEC | European Economic Commission |
| ENCS | Japanese Existing and New Chemical List |
| EINECS # | European Inventory of Existing Chemical Substances Number |
| EU | European Union °F |
| (Israel) | 2001 proposed list of chemical substances to be regulated under Israel Hazardous Substances Law and Regulations List |
| MAC | Netherlands |
| MAK | Germany |
| MITI | Ministry of International trade and Industry |
| NA | Not applicable |
| MITI | Japan |
| ND | Not determined |
| NE | None established |
| PICCS | Philippines |
| PPE | Personal Protective Equipment |
| Prop. | Proprietary |
| SWISS | Giftliste 1 |
| SWISS | inventory of Notified New Substances |
| TSCA | Toxic Substance Control Act |
| (Taiwan) | List of Toxic Chemical Substances regulated under Taiwan Toxic Chemical Substances Control Act of 1086 |
| UK | United Kingdom |
| USA | United States |

Disclaimer

This information above is believed to be accurate and represents the best information currently available to us. However, we make no warranty of merchantability or any other warranty, express or implied, with respect to such information, and we assume no liability resulting from its use. Users should make their own investigations to determine the suitability of the information for their particular purposes. In no event shall Royal Oak Enterprises, LLC be liable for any claims, losses or damages of any third party or for lost profits or any special, indirect, incidental, consequential or exemplary damages, how so ever arising, even if company has been advised of the possibility of such damages