

§ 172.200

testing, see § 173.308(b)(2). The examination and testing of each lighter design must be performed by a person authorized by the Associate Administrator under the provisions of subpart E of part 107 of this chapter, as specified in § 173.308(a)(4). For continued use of approvals dated prior to January 1, 2012, see § 173.308(b)(5).

For non-pressurized lighters containing a Class 3 (flammable liquid) material, its design, description, and packaging must be approved by the Associate Administrator prior to being offered for transportation or transported in commerce. In addition, a lighter design intended to contain a non-pressurized Class 3 material is excepted from the examination and testing criteria specified in § 173.308(b)(3). An unused lighter or a lighter that is cleaned of residue and purged of vapors is not subject to the requirements of this subchapter.

169 This entry applies to lighter refills (see § 171.8 of this subchapter) that contain a Division 2.1 (flammable) gas but do not contain an ignition device. Lighter refills offered for transportation under this entry may not exceed 4 fluid ounces capacity (7.22 cubic inches) or contain more than 65 grams of fuel. A lighter refill exceeding 4 fluid ounces capacity (7.22 cubic inches) or containing more than 65 grams of fuel must be classed as a Division 2.1 material, described with the proper shipping name appropriate for the material, and packaged in the packaging specified in part 173 of this subchapter for the flammable gas contained therein. In addition, a container exceeding 4 fluid ounces volumetric capacity (7.22 cubic inches) or containing more than 65 grams of fuel may not be connected or manifolded to a lighter or similar device and must also be described and packaged according to the fuel contained therein. For transportation by passenger-carrying aircraft, the net mass of lighter refills may not exceed 1 kg per package, and, for cargo-only aircraft, the net mass of lighter refills may not exceed 15 kg per package. See § 173.306(h) of this subchapter.

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Subpart C—Shipping Papers

§ 172.200 Applicability.

(a) *Description of hazardous materials required.* Except as otherwise provided in this subpart, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

(b) This subpart does not apply to any material, other than a hazardous

substance, hazardous waste or marine pollutant, that is—

(1) Identified by the letter “A” in column 1 of the § 172.101 table, except when the material is offered or intended for transportation by air; or

(2) Identified by the letter “W” in column 1 of the § 172.101 table, except when the material is offered or intended for transportation by water; or

(3) An ORM-D, except when the material is offered or intended for transportation by air.

(4) Category B infectious substances prepared in accordance with § 173.199.

[Amdt. 172–29A, 41 FR 40677, Sept. 20, 1976, as amended by Amdt. 172–58, 45 FR 34697, May 22, 1980; Amdt. 172–74, 47 FR 43065, Sept. 30, 1982; Amdt. 172–112, 53 FR 17160, May 13, 1988; Amdt. 172–127, 57 FR 52938, Nov. 5, 1992; 71 FR 32258, June 2, 2006]

§ 172.201 Preparation and retention of shipping papers.

(a) *Contents.* When a description of hazardous material is required to be included on a shipping paper, that description must conform to the following requirements:

(1) When a hazardous material and a material not subject to the requirements of this subchapter are described on the same shipping paper, the hazardous material description entries required by § 172.202 and those additional entries that may be required by § 172.203:

(i) Must be entered first, or

(ii) Must be entered in a color that clearly contrasts with any description on the shipping paper of a material not subject to the requirements of this subchapter, except that a description on a reproduction of a shipping paper may be highlighted, rather than printed, in a contrasting color (the provisions of this paragraph apply only to the basic description required by § 172.202(a)(1), (2), (3), and (4)), or

(iii) Must be identified by the entry of an “X” placed before the proper shipping name in a column captioned “HM.” (The “X” may be replaced by “RQ,” if appropriate.)

(2) The required shipping description on a shipping paper and all copies thereof used for transportation purposes, must be legible and printed (manually or mechanically) in English.