



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 7 2000

Mr. Richard L. Hagemeyer
Vice President
Agmark Foods, Inc.
150 Fourth Avenue North
Suite 1030
Nashville, TN 37219-2417

Ref. No. 00-0297

Dear Mr. Hagemeyer:

This is in response to your letter dated October 20, 2000, regarding the shipping name for a shipment of tequila. Specifically, you ask if a shipment of tequila may be transported under the shipping name of "Ethyl alcohol solution, UN1170" in lieu of the shipping name "Alcoholic beverages, UN 3065."

Section 172.101(c)(10)(i)(F) states that a mixture or solution not identified specifically by name, comprised of a hazardous material identified in the Hazardous Materials Table (§ 172.101; HMT) by technical name and a non-hazardous material, shall be described using the proper shipping name of the hazardous material and the qualifying word "mixtures" or "solutions" as appropriate, unless the material can be appropriately described by a shipping name that describes its intended application. It is the intent of this section to allow a material that is a mixture of a hazardous material that is identified by name in the HMT and a non-hazardous material, to be identified by a shipping name that describes its intended application or by the proper shipping name of the hazardous material and the appropriate qualifying word. It is not the intent of § 172.101(c)(10)(i)(F) to require such a material to be described under the materials application name. Therefore, an alcoholic beverage that is a solution of ethyl alcohol and non-hazardous materials may be described under the shipping name of "Ethyl alcohol solution, UN1170" or "Alcoholic beverages, UN 3065."

I hope this satisfies your request.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



**Agmark
Foods, Inc.™**

Gale
-8 172 . 701
Proper Shipping Name
00-0297

October 20, 2000

Ms. Dianne LaValle
Hazardous Materials Information Center
US Department of Transportation
Washington, DC

VIA FACSIMILE 202-366-3012

Dear Ms. LaValle:

Per our conversation we ship tequila in bulk in ISO tank containers from the origin in Mexico to the bottling plant in California. The current shipping name for this product is Alcoholic Beverages, UN 3065. However, because these tanks are shipped by rail in both Mexico and the U.S., we would like to use the less consumer-oriented name of Ethyl Alcohol Solution, UN 1170.

We believe such change will lessen the likelihood for tampering by vandals or thieves and will enhance the safety of such transport.

Please respond in writing as to your conclusion. If you have questions, please call me at 615-313-6585.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Richard L. Hagemeyer". The signature is written in a cursive, flowing style.

Richard L. Hagemeyer
Vice President