



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

MAY 5 2003

Ref. No. 03-0087

Mr. Rick Heylmun  
Professional Emergency Resource Services  
P.O. Box 1560  
Ogden, UT 84402-1560

Dear Mr. Heylmun:

This is in response to your letter and subsequent telephone conversation with a member of my staff concerning the proper shipping name under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for a mixture containing 95% ethanol and 5% petroleum distillates (gasoline). You state the mixture has a flash point of 49 °F. Specifically, you ask whether "Flammable liquids, n.o.s. (Ethanol, Petroleum distillates), 3, UN1993, PG II" or "Alcohols, n.o.s. (Ethanol, Petroleum distillates), 3, UN1987, PG II" is the most appropriate basic description. You state that it is your understanding that the proper shipping name "Alcohol, n.o.s." is not intended for mixtures of alcohols containing other materials subject to the HMR.

Your understanding is correct. The intent of the use of the proper shipping name "Alcohols, n.o.s." is for mixtures containing alcohols that are in a mixture with non-hazardous materials, and for mixtures that contain alcohols only and for which the constituents are not listed by name in the § 172.101 Table (§ 172.101(c)(10)(iii) and (c)(12)(ii)). Because your mixture contains gasoline, which influences the mixture by lowering the flash point, "Flammable liquids, n.o.s. (Ethanol, gasoline), UN1993, PG II" is the most appropriate basic description. The word "gasoline" should replace "petroleum distillates" because the specificity of the word makes it a more appropriate technical name.

With respect to your concern about the Emergency Response Guidebook's (ERG) Guide 128 assigned to "Flammable liquids, n.o.s." and its inconsistency with the emergency response



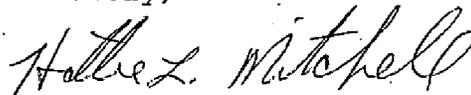
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172.101

information appropriate for the material, the correct emergency response information must be provided in accordance with § 172.602(b). Also, we have forwarded your letter to the appropriate office within the Office of Hazardous Materials Safety responsible for revisions to the ERG.

I hope this information is helpful. If you have additional questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Hattie L. Mitchell, Chief  
Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



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March 26, 2003

Office of Hazardous Materials Standards,  
Research and Special Programs Administration,  
Attn: DHM-10, U.S. Department of Transportation,  
400 7<sup>th</sup> Street SW., Washington, DC 20590-0001

MCI Intyre  
§ 172.101 (10)(iii)  
§ 172.181 (12)(ii)  
Proper Shipping Name

03-0087

This letter requests guidance to the proper shipping name for Denatured Ethanol, a solution of 95% Ethanol and 5 % Petroleum Distillates (Gasoline).

Differing opinions exist by law enforcement, and those shipping the above material. Some suggest "Alcohols, n.o.s., 3, UN1987, PGII". It is my opinion that this description is incompatible with §172.101 (10)(iii). "A mixture or solution not identified in the Table specifically by name, comprised of two or more hazardous materials in the same hazard class, shall be described using an appropriate shipping description (eg., "Flammable liquid, n.o.s."). The reference further states that an alcohol not listed by its technical name in the Table shall be described as "Alcohol, n.o.s. rather than Flammable liquid, n.o.s.

My understanding of §172.101 (10)(iii) pertaining to Alcohol, n.o.s. is that this description is not intended to describe mixtures or solutions of alcohol and other regulated materials that are not alcohol.

Additional guidance provided in §172.101(12)(ii) states, an alcohol not listed by its technical name in the Table shall be described as "Alcohol, n.o.s. rather than Flammable liquid, n.o.s. The complete text of this guidance would appear to clarify that Alcohol, n.o.s. is intended to describe HM's that are alcohol, and are not listed by name in the Table, not mixtures or solutions of alcohol and other regulated materials.

The proper shipping name which appears to be most compliant with the HM regulations is "Flammable liquids, n.o.s., (Ethanol, Petroleum Distillates) 3, UN1993, PGII". The 2000 ERG ID No. 1993 refers first responders to Guide Number 128 (Flammable Liquids, Non-Polar/Water Immiscible. The guidance provided in ERG Guide 128 contains two points that are not consistent with the Emergency Response Information that should accompany this shipment. The "Fire and Explosion" section indicates, "substance may be transported hot", and the "Fire" section indicates "regular foam" may be used for fire fighting purposes.

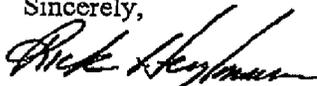
The shipper is required to provide emergency response information compatible with the shipment. A more appropriate ERG Guide is Guide Number 127 (Flammable Liquids, Polar/Water-Miscible).

The regulations do not appear to prohibit a shipper from satisfying the requirement for Emergency Response Information as outlined in Part 172 Subpart G by providing the information contained in ERG Guide 127 when using the UN identification number 1993, this opinion has been supported by RSPA personnel over the telephone.

I understand that it is the responsibility of the shipper to properly classify their shipment. In this instance it is hoped that an opinion by RSPA will provide clarity for shippers and carriers of Denatured Ethanol.

We appreciate your time and effort in responding to this request.

Sincerely,



Rick Heylman  
Operations Mgr.  
PERS  
800-728-2482