



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 13 2018

1200 New Jersey Avenue, SE
Washington, DC 20590

Robert McDonald
President
Vanilla Xtend Inc.
375 Carlls Path
P.O. Box 197
Deer Park, NY 11729

Reference No. 18-0028

Dear Mr. McDonald:

This letter is in response to your February 25, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to limited quantities of retail products containing ethyl alcohol. You indicate that you ship natural vanilla flavoring containing 20%–40% ethyl alcohol classified as “UN1197, Extracts, flavoring, liquid, 3, III” in packages containing retail size plastic bottles of 8 or 16 fluid ounce (inner) capacity, where no plastic bottle exceeds 16 fluid ounce capacity. Specifically, you seek confirmation of your understanding that such a package, if limited to a combined total of 192 fluid ounces, is excepted from the HMR for shipment by both ground and air.

Your understanding is correct, provided all the conditions specified in § 173.150 that apply to your hazardous material are met. In addition to the information you provided on the material composition and form and manner of packaging, in order to meet § 173.150, you must also ensure that:

- The gross weight of any single outer package does not exceed 65 pounds; and
- The inner packagings (i.e., the plastic bottles) are secured and cushioned within the outer package to prevent breakage, leakage, and movement (i.e., shifting).

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division

January, Ikeya CTR (PHMSA)

Geller
173.150
Exceptions
18-0028

From: INFOCNTR (PHMSA)
Sent: Monday, February 26, 2018 11:13 AM
To: Hazmat Interps
Subject: FW: Interpretation Request

Hello all,

Please see the below interp request.

Regards,
-Breanna

From: Robert McDonald [mailto:robertm@vanillaxtend.com]
Sent: Sunday, February 25, 2018 10:54 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation Request

Dear Sir or Madam:

Request for letter of interpretation: We have a natural vanilla flavoring (designed as a replacer for vanilla extract) which contains 20-40% Ethyl Alcohol, thus classified as HMR UN1197; Class 3, Packing Group III, Extracts, Flavoring, Liquid. The Hazardous Materials Table for UN1197 materials references the exceptions in § 173.150. In 2014, there was a new section §173.150(g) added to permit the shipment of retail products containing ethyl alcohol, "Beverages, food, cosmetics and medicines, medical screening solutions, and concentrates sold as retail products containing ethyl alcohol" which meet specific packaging requirements for glass and plastic inner packaging, being excepted from Hazardous Materials Regulations (HMR).

Our vanilla flavor (a liquid) which contains less than 70% ethyl alcohol by volume, is packaged in retail sizes including 8 fluid ounce and 16 fluid ounce plastic bottles. Is it correct that under §173.150(g), our 8 ounce and 16 ounce sizes are excepted from HMR and can be shipped domestically without being regulated as dangerous goods? Additionally, per §173.150(g)(3), no outer package may be transported by passenger or cargo aircraft which contains an inner packaging exceeding 16 fluid ounces of flammable liquid. However, §173.150(g)(1)(iii) states that "The net liquid contents of all inner packaging's in any single outer packaging may not exceed 192 fluid ounces" Are we correct in that this means that a single shipment, containing multiple 8 fluid ounce, and/or multiple 16 fluid ounce bottles, with a combined total of no more than 192 fluid ounces, can be shipped by standard shipping methods, both ground and air, and is excepted from HMR/dangerous goods regulations and labeling requirements?

Thank you,

Robert McDonald, President
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375 Carlls Path
PO Box 197
Deer Park, NY 11729

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