



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

OCT 09 2019

Robert E. Fronczak
Association of American Railroads
425 Third Street SW, Suite 1000
Washington, DC 20024

Reference No. 19-0007

Dear Mr. Fronczak:

This letter is in response to your April 2, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the phase-out schedule for DOT-111 specification tank cars in § 173.242. Specifically, you ask what is the definition of “ethanol”.

On August 15, 2016, the Pipeline and Hazardous Safety Administration (PHMSA) issued a final rule^a to codify in the HMR certain mandates of the Fixing America’s Transportation Act (FAST Act *Sec.* 7304). Specifically, the final rule, as required by the FAST Act, revised the phase-out schedule for all DOT-111 specification tank cars used to transport Class 3 flammable liquids, such as ethanol.

For purposes of the phase-out requirement for DOT-111 specification tank cars, “ethanol” means ethanol described under an appropriate proper shipping name, to include: “UN 1170, Ethanol or Ethanol solutions”; “NA 1987, Denatured alcohol”; “UN 1987, Alcohols” or “UN 3475, Ethanol and gasoline mixture *or* Ethanol and motor spirit mixture *or* Ethanol and petrol mixture, *with more than 10% ethanol.*”

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

^a Hazardous Materials: FAST Act Requirements for Flammable Liquids and Rail Tank Cars, 81 FR 53935 (August 15, 2016).

Ciccarone

19-0007

Dodd, Alice (PHMSA)

From: Ciccarone, Michael (PHMSA)
Sent: Wednesday, February 06, 2019 9:58 AM
To: Dodd, Alice (PHMSA)
Cc: DerKinderen, Dirk (PHMSA)
Subject: FW: AAR Request for Definition of Ethanol

Alice,

Please enter this as a new interp and assign to me.

Thanks,

Mike

From: Fronczak, Robert
Sent: Monday, April 2, 2018 1:56 PM
To: Schoonover, William (PHMSA) <william.schoonover@dot.gov>
Cc: Fronczak, Robert <rfronczak@aar.org>
Subject: Ethanol

Bill:

I tried to call but got a busy signal. With respect to HM-251 and the phase out of tank cars carrying ethanol, what does ethanol mean? I think DOT meant alcohol NOS (which does not have the word ethanol in it) or the energy products likely to be shipped in large blocks or unit trains, but the regulation just says ethanol. 80 Federal Register No. 89 - Friday, May 8, 2015 page 26722 refers to ethanol being UN1987. Most of the alcohol NOS transported by rail is transported under Haz Mat Response Code (HMRC) 4909152 (320,167 shipments in 2016) as UN-1987. There are 14 other alcohol NOS (including one denatured alcohol) HMRC's shipped as UN1987. After HMRC 4909152, the next biggest volume was 473 shipments in 2016. If one looks at ethanol shipments in 2016, there are 10 HMRC's with ethanol in the proper shipping name, either ethanol or ethanol and gasoline mixture, shipped under UN-1170 or UN-3475). All of the ethanol totaled 35,937 shipments in 2016. So, one could argue that ethanol means HMRC 4909152 alcohol NOS UN-1987.

Transport Canada uses the following definition:

1. UN1170, ETHANOL more than 24% ethanol, by volume;
2. UN1987, ALCOHOLS, N.O.S.;

3. UN3475, ETHANOL AND GASOLINE MIXTURE with more than 10% ethanol, ETHANOL AND MOTOR SPIRIT MIXTURE with more than 10% ethanol, or ETHANOL AND PETROL MIXTURE with more than 10% ethanol; and

In order to be harmonized, I would suggest that the U.S. DOT definition should agree with the Transport Canada definition.

Thank you for considering my question.

Bob

From the Desk of :

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<2018-7-24 Shane Kelly re Definition of Ethanol.doc>