



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

February 10, 2021

Lawrence Bierlein
4701 Willard Avenue, #1204
Chevy Chase, MD 20815

Reference No. 20-0082

Dear Mr. Bierlein:

This letter is in response to your October 13, 2020, email and subsequent discussions with my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the aqueous solution of alcohol exception in § 173.150(e). On behalf of your client, you ask whether a personal care gel composed of 64% water, 20% isopropyl alcohol, 1.2% ammonia solution, and several other non-hazardous components is eligible to be transported in accordance with the exception for aqueous solutions of alcohol in § 173.150(e). You state your understanding that the gel in question is not subject to the HMR in accordance with § 173.150(e).

The answer is yes. If the ammonia solution component, in the concentration present in the gel, does not meet the definition of “hazardous material” in § 171.8, then the presence of the ammonia solution component does not preclude the gel from eligibility for the exception in § 173.150(e).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

CC: Mr. Rob Somers

Patrick

20-0082

From: [Kelley, Shane \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hillman, Kenetha CTR \(PHMSA\)](#)
Cc: [Foster, Glenn \(PHMSA\)](#); [DerKinderen, Dirk \(PHMSA\)](#); [Nickels, Matthew \(PHMSA\)](#); [Patrick, Eamonn \(PHMSA\)](#)
Subject: FW: Request for a formal interpretation of the 24% alcohol exception
Date: Tuesday, October 13, 2020 4:39:51 PM
Attachments: [Perrigo request for interpretation.docx](#)
[Perrigo request for interpretation.docx](#)

Team

Please log for response.

I know we have a system for assignment but based on the fact Eamonn has a running start, would like to request he be our lead on this response. I would also like to be in the review chain as we progress.

Thanks

From: Lawrence Bierlein <larry@hazmat-lawyer.com>
Sent: Tuesday, October 13, 2020 4:07 PM
To: Schoonover, William (PHMSA) <william.schoonover@dot.gov>
Cc: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Rob Somers <robert.somers@perrigo.com>; 'Alan Roberts' <aroberts@dgac.org>
Subject: Request for a formal interpretation of the 24% alcohol exception

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Attached please find my request for a fresh review of the regulations in 49 CFR 173.150 and the issuance of a formal interpretation in support of my client's use of the exception.

This exception came into effect in 1975. I was the petitioner for it and Al Roberts managed the program that issued it. I recently advised him of the need for an updated interpretation, and he has noted he agrees with my position. He also asked if there was anyone he could call at DOT to discuss it.

I raised this subject initially with Shane Kelley, so he is copied on this filing.

Please do not hesitate to contact me on any aspect of my request. Thank you.

Larry Bierlein
(202) 631-3222