



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

JUL 1 2005

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

Mr. Timothy D. Brotzman, Sr.  
International Transportation Manager  
McCormick & Company, Inc.  
180 Loveton Circle  
Sparks, MD 21152-6000

Reference No.: 05-0144

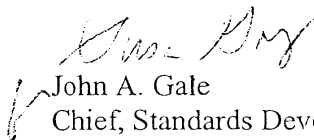
Dear Mr. Brotzman:

This is in response to your June 2, 2005 letter requesting clarification of liquid flavoring under the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-180). Specifically, you ask whether liquid flavors that contain ethyl alcohol in various concentrations may be renamed "Consumer Commodity" and reclassified as ORM-D material.

Section 173.22 of the HMR requires the shipper to properly class and describe the material in accordance with parts 172 and 173. This Office generally does not perform that function. However, based on your description of the material, it appears your material may be described as "flavoring extract." The Hazardous Materials Table (HMT) lists two entries for "Extracts, flavoring, liquid," one entry for a PG II material, the other for a PG III material. Both entries reference the exceptions in § 173.150 in column 8a of the HMT. A material that meets the limited quantities provisions in § 173.150(b) and is a consumer commodity as defined in § 171.8, may be renamed "Consumer commodity" and reclassified as ORM-D material. In addition to the exceptions in § 173.150(b), ORM-D materials are not subject to shipping paper requirements unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft. In addition, ORM-D materials are eligible for the exceptions provided in § 173.156.

I trust this satisfies your inquiry.

Sincerely,

  
John A. Gale

Chief, Standards Development  
Office of Hazardous Materials Standards



050144

173.150  
173.242



McCORMICK & COMPANY, INC. 18 LOVETON CIRCLE, SPARKS, MD 21152-6000 USA / TEL (410) 771-7301 / CABLE 'McCORMICK'

Foster  
§ 173.150  
§ 173.242  
Applicability 05-0149

Ms. Susan Gorsky – Mail Stop DHM-10  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 7<sup>th</sup> Street SW  
Washington, D.C. 20590-0001

June 2, 2005

Dear Ms. Gorsky:

I am writing you to request a formal letter of interpretation regarding the classification of liquid flavors containing ethyl alcohol in various concentrations, and whether they may be reclassified and described as Consumer Commodity, ORM-D in accordance with 49CFR Parts 171-180. The products are to be used to flavor draught beer.

We intend to package a variety of flavors that contain ethyl alcohol in various concentrations. Current formulations are 59-74% with flash points ranging from 63F to 66F. They meet the definition for a Class 3 material. They are not considered a hazardous substance, hazardous waste, or marine pollutant.

These products will be packaged in a 1 liter polyethylene (bladder) bag in a 4G corrugate box; similar to "wine in a box". They will be overpacked as 6 combination packages in a corrugate shipper (box) for distribution in a form suitable for retail sale and consumption, through wholesalers to retail outlets (bars & restaurants).

We appreciate your prompt consideration of this request. Please let me know if you need any additional information.

Respectfully submitted,

Timothy D. Brotzman, Sr.  
International Transportation Manager