



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

JUL 20 2015

Mr. Kevin Skerrett  
Senior Regulatory Specialist  
23 British American Blvd.  
Latham, NY 12110

Reference No. 15-0053

Dear Mr. Skerrett:

This is in response to your March 20, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of limited quantities of ethyl alcohol specified in § 173.150(g). Portions of Special Permit 9275 (SP-9275) were incorporated into the HMR to except certain products containing limited quantities of ethyl alcohol. Your questions are paraphrased and answered below:

Q1. Is it the Pipeline and Hazardous Materials Safety Administration's (PHMSA) intent that § 173.150(g) allow the presence of "other hazardous materials" under the same terms as allowed in SP-9275?

A1. The answer is yes, provided the solution absent the ethyl alcohol, is not subject to the HMR.

Q2. The language in § 173.150(g)(1) and (2), reads "classed as a flammable liquid or solids." Would the exception still apply if a second flammable material (in addition to ethanol) was present in sufficient concentration to, by itself, result in classification as a hazardous material?

A2. The answer is no, the material absent of ethyl alcohol cannot be subject to the HMR.

Q3. Section 171.4(c)(1) excepts marine pollutants from the HMR provided no part of transportation is by vessel. Does this exception still apply when applying the exception in § 173.150(g) of the HMR?

A3. The answer is yes, provided all of the requirements in §173.150(g) and § 171.4(c)(1) are met, the retail products would not be subject to any other parts of the HMR.

Q4. Section 171.4(c)(2) exempts marine pollutants shipped in quantities under 5 liters for liquids or 5 kg for solids provided no part of transportation is by vessel. Does this exception still apply when applying the exception in § 173.150(g) of the HMR?

A4. The answer is yes, provided all of the requirements in §173.150(g) and § 171.4(c)(2) are met, the retail products would not be subject to any other parts of the HMR. It should be noted that the largest quantities permitted under § 173.150(g) are 3.78 L (1gallon) for selected liquids and 3.63 kg (8 pounds) for selected solids.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned below the word "Sincerely,".

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Andrews  
§ 173.150(g) Limited quant  
§ 171.4 Marine pollutants

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, March 20, 2015 11:52 AM  
**To:** Hazmat Interps  
**Subject:** Interpretation - 171.4 and 173.150  
**Attachments:** 171.4 and 173.150.pdf

15-0053

Shante/Alice,

Please submit this for a formal letter of interpretation. Steve Andrews HM-233C rulemaking is referenced, for assigning purposes.

Thanks,

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**From:** Skerrett, Kevin [<mailto:Kevin.Skerrett@ul.com>]  
**Sent:** Friday, March 20, 2015 11:31 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** Interpretation - 171.4 and 173.150

Please see the attached PDF, requesting a formal interpretation.

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U.S. Department of Transportation  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590-0001



I would like to request a formal interpretation regarding the following issue:

On 3/1/2014 an exception was added for "*Limited quantities of retail products containing ethyl alcohol*" at 49 CFR 173.150(g) via HM-233C. This exception codified the terms of Special Permit SP-9275. While this exception indicates that it applies to liquid or solid retail products containing high concentrations of ethyl alcohol, resulting in exception from the HMR, it does not appear to specify whether ethyl alcohol is required to be the only hazardous ingredient present.

Special Provision 8c of SP-9275 does appear to address this – but 173.150(g) does not contain such wording:

"An ethyl alcohol solution shipped under this special permit may contain other hazardous materials provided the solution, absent the ethyl alcohol, is not subject to 49 CFR."

My concern is under what conditions 173.150(g) can be combined with the presence of other hazardous materials, or with other exceptions. Questions:

- 1) Is it PHMSA's intent that 173.150(g) allow the presence of "other hazardous materials" under the same terms as Special Provision 8c of SP-9275?
- 2) In 173.150(g)(1 and 2), the wording is "...classed as a flammable liquid or flammable solid...". Would the exception still apply if a second flammable material (in addition to ethanol) was present in sufficient concentration to, by itself, result in classification as a hazardous material? An example might be 20% isopropyl alcohol, which in water might have a flashpoint of about 29°C?
- 3) Regarding the wording in Special Provision 8c "is not subject to 49 CFR": considering a product with high ethanol concentration that also contains >10% of a DOT Marine Pollutant, shipped non-bulk:
  - a. An exception for marine pollutants shipped non-bulk and not involving vessel occurs at 171.4(c)(1). Would these exceptions combine so that such a product is excepted from the HMR as long as no leg is by vessel?
  - b. HM-215M recently added an exception at 171.4(c)(2) for Marine Pollutants shipped in quantities under 5L for liquids or 5 kg for solids. Would these exceptions combine so that such a product, if shipped under 5L for liquids or 5 kg for solids, is excepted from the HMR even if part of the shipment is by vessel?

Thank you for your consideration of this request. I look forward to your interpretation of these issues.

**UL – Information & Insights**  
**Kevin Skerrett**  
Senior Regulatory Specialist

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