



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

1200 New Jersey Ave, SE  
Washington, D.C. 20590

MAR 01 2011

Ms. Isabel Martinez  
Fuego Envasado  
Aluminio No. 7  
Fracc. Esfuero Nacional, Xalostoc, Estado de Mexico, C.P. 55320  
Mexico

Reference No.: 11-0018

Dear Ms. Martinez:

This responds to your letter requesting a review of your products and their classification under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter you enclosed two Material Safety Data Sheets (MSDS) for two variations of your product, "Fuego Envasado," a gelled Methanol and gelled Ethanol chafing fuel. Specifically, you request a letter confirming your conclusions regarding the classification of these products as hazardous materials, their respective proper shipping names and their eligibility for the consumer commodity ORM-D exception provided in § 173.150. You state your products would be described as "UN1993, Flammable liquids, n.o.s., 3, PG III."

In accordance with § 173.22, it is the shipper's responsibility to properly class and describe a hazardous material. This Office does not perform that function. However, based on the information you provided in your letter and enclosed MSDS, it is the opinion of this Office that the proper shipping names and identification numbers you selected are appropriate, provided the products do not meet the definitions of any other hazard classes, such as Division 6.1. It should be noted however, that if a material is described on a shipping paper by a proper shipping name identified by the letter "G" in Column (1) of the § 172.101 Table, the technical name of the hazardous material must be entered in parentheses in association with the basic description unless otherwise excepted (i.e. Methanol or Ethanol).

You state that your product is packed in 7.0 fluid ounce tin cans and then further packed in a case with a total gross weight of 57.1 pounds. Generally, a consumer commodity, as defined in § 171.8, is a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use. A Class 3 (flammable liquid) material packaged for shipment in accordance with the limited quantity provisions in § 173.150 that meets the definition of a consumer commodity may be renamed "Consumer commodity" and reclassified as ORM-D

material. Packages containing an ORM-D material must be marked in accordance with § 172.316. Based on the information provided in your letter, it is the opinion of this Office that your products may be transported as consumer commodities.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

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

Benedict  
§172.101  
§173.150  
§178.8  
Classification  
11-0018

December 28, 2010

DOT/RSPA/OHMS  
UNIT  
11 JAN -5 PM 4:03



U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
**Office of Hazardous Material Safety**  
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1200 New Jersey Ave., SE  
Washington, DC 20590  
202-366-0656  
202-366-5713 (Fax)

**Via Facsimile**

Our Company Fuego Envasado is a Mexican manufacturer of Gelled Methanol, and Gelled Ethanol used as chafing fuel for keep the food warming (like Sterno brand). These products are packed in 7.0 FL oz tin can and they are packaged in a form intended or suitable for retail sale, and the gross weight is 57.1 pound per case of each product. They are classified as a flammable liquid, N.O.S. 3 UN1993 III.

We are in the process of export these products to USA territory by ground, and we will appreciate your clarification about:

1. If our products could be classifying as a Consumer Commodity, ORM-D materials, under provisions in 178.8 and 173.150. of the HMR. We enclosed MSDS for each one of our products.
2. The Sterno MSDS show its products as N.O.S. 3 UN1993 III, while Ecoflame and Candle Lamp MSDS 'S show their products as N.O.S. 4.1, UN1325, III and they are gelled methanol and ethanol as our products.  
Would you please clarify if our classification is correct? Our flash point is 86.9 F for each product.

Thank you in advance for you attention to this inquire and if you need any additional information, please let me know.

Sincerely,  
  
Isabel Martínez  
Export Department  
Fax: (5255) 5569-2895  
Email: [i.martinez@masterbatch.com](mailto:i.martinez@masterbatch.com)



**FUEGO ENVASADO, S.A. DE C.V.**

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