



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

JUL 10 2009

Mr. Jim Shinko
DGM Consulting Resources
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Newnan, GA 30263

Ref. No.: 09-0140

Dear Mr. Shinko:

This responds to your letter dated June 9, 2009 request for clarification on the exception for alcoholic beverages in § 173.150(d) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if alcoholic beverages containing less than 70% alcohol by volume packaged in inner packagings containing less than 5 liters each are regulated when transported as cargo by aircraft.

The answer is no. Section 173.150(d) excepts an alcoholic beverage from the HMR if it: (1) contains 24% or less alcohol by volume; (2) is in an inner packaging of 5 L (1.3 gallons) or less, and for transportation on passenger-carrying aircraft, it conforms to § 175.10(a)(4) of the HMR as checked or carry-on baggage; and (3) is a Packing Group III alcoholic beverage in a packaging of 250 L (66 gallons) or less, unless transported by air.

Alcoholic beverages carried by aircraft passengers or crewmembers are excepted from the HMR if the alcoholic beverages contain 24% or less alcohol by volume. Passengers or crewmembers may carry alcoholic beverages that contain more than 24% alcohol by volume and not more than 70% when in unopened retail packagings not exceeding 5 L (1.3 gallons) carried in carry-on or checked baggage; the total net quantity per person may not exceed 5 L (1.3 gallons) for such beverages. See § 175.10(a)(4).

Sincerely,

Charles E. Betts
Chief, Standards Division
Office of Hazardous Materials Standards



Experts on International Rules & Regulations for Training, Packing, Storage & Transport of Hazardous Goods

DGM Consulting Resources

June 9, 2009

Mr. Edward Mazullo
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
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1200 New Jersey Ave., SE
Washington, DC 20590

Eichenlaub
§ 173.150(d)
§ 175.10(a)(4)
Exceptions
09-0140

Dear Mr. Mazullo:

SUBJECT: Interpretation of 49CFR 173.150(d)

We are in need of a clarification if alcoholic beverages containing less than 70% alcohol by volume prepared in inner packagings containing less than 5 liters are regulated in air transport as cargo.

In Chapter 3, Special Provisions, SP A9 of the ICAO Regulations it states such a shipment is not subject to the Instructions. Specifically it states; "Alcoholic beverages containing not more than 70 percent alcohol by volume, when packed in receptacles of 5 liters or less, are not subject to these Instructions when carried as cargo."

In reviewing 49CFR 173.150(d) it is not clear whether the same exception applies. In paragraph 173.150(d)(2) it states; *Is in an inner packaging of 5L (1.3gallons) or less, and for transportation on passenger-carrying aircraft conforms to 175.10(a)(4) of this subchapter as checked or carry-on baggage.*"

Part 173 is General Requirements for Shipments and Packagings and 173.150 is exceptions for Class 3 materials, it is confusing that 173.150(d)(2) makes reference to baggage. Is the intent of this sub-paragraph to indicate alcoholic beverages with not more than 70% alcohol by volume prepared in inner packagings of 5 liters or less is not subject to the subchapter as a cargo shipment? If so, what is the purpose for reference to 175.10(a)(4)?

Sincerely,

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