



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

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 5 2010

Mr. Roberto Pantoja
R&D Director
PO Box 198
Mercedita, PR 00715-0198

Ref. No. 10-0014

Dear Mr. Pantoja:

This responds to your January 21, 2010 email and subsequent telephone conversation with a member of my staff concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to air transport of alcoholic beverages. Specifically, you ask whether alcoholic beverages containing 70% or less alcohol by volume in inner packages of less than five liters are subject to the HMR when transported as cargo by aircraft.

According to your email, your company transports 200 mL samples of alcoholic beverages containing 69.5% alcohol by volume by air. It is your understanding, in accordance with the International Civil Aviation Organization's Technical Instructions (ICAO TI), your samples are not subject to regulation as cargo aboard aircraft.

Your understanding is correct. Alcoholic beverages containing 70% or less alcohol by volume, when packed in inner packagings of 5 liters or less, are not subject to the ICAO TI when carried as cargo (see ICAO TI; Part 3, Chapter 3, Special provision A9). Further, under § 173.150(d) of the HMR, an alcoholic beverage (as defined in 27 CFR 4.10 and 5.11) is not subject to the HMR if it meets one of the following conditions:

- (1) It contains 24% or less alcohol by volume.
- (2) It is in an inner packaging of 5 L or less, unless carried by a passenger or crewmember aboard a passenger aircraft, then it must conform to § 175.10(a)(4) of the HMR as checked or carry-on baggage.
- (3) It is a Packing Group III alcoholic beverage in packagings of 250 L or less, unless transported by air.

Therefore, based on the information you provided, your samples are not subject to the HMR because they are being transported as cargo in inner packagings in quantities of 5 L or less.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is written in a cursive style with a large initial "C" and "E".

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

Roberto Pantoja

From: Roberto Pantoja
Sent: Thursday, January 21, 2010 1:39 PM
To: 'Charles.Betts@dot.gov'
Cc: 'Edward.Mazzullo@dot.gov'
Subject: FW: INTERPRETATION OF 49CFR 173150(d)
Attachments: Scan001.pdf

Der Kinderen
§173.150(d)(3)
Exceptions
10-0014

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

Dear M. Betts:

We are in need of a prompt clarification if alcoholic beverages containing less than 70% alcohol by volume prepared in inner packages containing less than 5 liters are regulated when transported as cargo by aircraft (not as carry-on baggage by passengers). ICAO Regulations state that such shipments are not subjected to DG Regulations when carried as cargo by aircraft, but Mr. Juan Bulted, FAA HAZMAT Enforcement agent (Juan.Bulted@faa.gov), do not accept that clarification. He affirms (see e-mail below) that the exempt only applies to rail, vessel, or public highway transportation, but that it does not apply if the package is sent by air. ("unless transported by air") – 49CFR-173.150(d)(3)

He assures that when transported by air, it is regulated by CFR as dangerous good and the alcoholic beverage exceptions for class 3 (flammable and combustible) are not valid. He want us to :

- 1-Declare packages containing more than 24% alcohol by volume as DG packages. (Even if they have less than 70% Alc/vol.)
- 2-To send them only in special UN packaging. (He does not accept regular fiberboard rum cases)
- 3-To accompany the package with the "Shipper's Declaration for Dangerous Good" document.

Since he inspected us in January 7, 2010 we have put on hold all itinerary shipments via FedEx Air Carrier. Unfortunately this situation is affecting our operations , as these glass samples containing less than 70% Alc./vol are sent for customer pre-shipment approval. No shipment of rum tanks can be sent by Crowley Marine transport vessels without the customer prior evaluation and approval. The result will soon be the complete detention of all our bulk rum shipments that represent an 80% of our business.

He also requested documents of all air shipments sent in Years 2008-2009 to fine us for not sending them as=Dangerous good packages.

Please, please, clarify this to us and to Mr. Juan Bulted as soon as possible, so we can restart sending our pre-approval samples to our clients.

Cordially

Roberto Pantoja
R&D Director
Destileria Serrallés, Inc.

Enclosed please find attached letter sent to Mr. Bulted by our vice-President, Silvia Santiago. The letter below is his answer to Silvia's letter

From: Juan.Bulted@faa.gov [mailto:Juan.Bulted@faa.gov]
Sent: Wednesday, January 20, 2010 10:19 AM
To: Silvia Santiago

Subject: Re: Destilería Serrallés
Importance: High

Ms. Santiago

I have reviewed the letter of interpretation dated July 10, 2009, signed by Charles Betts. We have no problem with their interpretation, however, the circumstances described in the letter are not the same for Destilería Serralles. I refer you to the ending words of the last sentence on second paragraph which read "unless transported by air." This is the situation applicable to Serralles. Samples are in packages less than 250 L which is OK, and are in packing group III due to the 69.5 percentage of alcohol by volume, up to this point they would not be regulated. However, when offered and transported by air then they become regulated by 49 CFR. I'm still waiting from legal and as soon as I have their reply I'll get back to you for the meeting.

Thanks.

Juan Bulted
FAA Special Agent.

[<silvia.santiago@dong.com>](mailto:silvia.santiago@dong.com)

01/19/2010 01:17 PM

To Juan Bulted/ASO/FAA/FAA
cc [<hector.guzman@dong.com>](mailto:hector.guzman@dong.com)
Subject Destilería Serrallés

Mr. Bulted, please, see accompanying letter requesting a new meeting with you. As a very responsible company, it is of the most importance for Destilería Serralles to comply with all regulations that cover our operations. The present situation with the alcoholic samples that we send to U.S. is causing a halt in our bulk shipments with a tremendous negative effect in our financials. I would greatly appreciate your kind attention to this request.



Destilería Serrallés, Inc.

January 19, 2010

Mr. Juan Bulted
Special Agent
Federal Aviation Administration

Dear Mr. Bulted

In January 8th, 2010 in a meeting at our facilities you carefully explained to me the situation regarding the alcoholic samples that we ship to the U.S. and the implications that surround not complying with the corresponding regulation that affects this type of shipments. DOT regulations are very complicated and also tricky, if the package is considered hazardous and we do not declare it as such there are penalties, but if the product is not hazardous and we declare it Hazardous then we can also be fined.

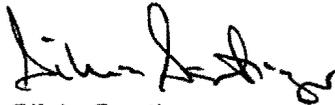
With the intention to clarify the situation related to the interpretation of Regulation 49 CFR 173.150 I got together with DOT Consultant, Eng. José A. Torres Fontáñez, in order for him to help us analyze and solve this matter. During his analysis Eng. Torres Fontáñez found and presented us a letter that was sent to Mr. Eduard Mazullo of US DOT by Mr. Jim Shimko of DMG Consulting Services with the same question that we have. He requests an interpretation of rule 173.50(d) in relation to the transportation of alcoholic beverage with a concentration of 24% or more of alcohol by volume and 70% or less of alcohol by volume packed up internally in 5L or less by aircraft. Mr. Mazullo's reply to Mr. Shimko indicates that this material is not regulated to the concentrations previously detailed.

For such reason, Mr. Bulted, I would like to meet with you again and go over this matter once more. Probably we did not present all the related information and going over all the facts this matter could be solved once and for all. As I indicated in our meeting held on January 08, 2010, all itinerary shipments were put on hold until this matter could be clarified. Unfortunately this situation is affecting our operations as these samples are sent for customer approval, and no shipment can be sent without the customer evaluation. The result will soon be the complete detention of all our bulk shipments that represents and 80% of our business.

I trust that this matter can be solved as soon as possible and by this manner be in compliance with your agency. I appreciate your kind attention to this request.

Enclosed please find the document of DOT.

Cordially,



Silvia Santiago

Senior Vice –President Manufacturing

Tel. 787-840-1000, x2402

Fax. 787-840-1155

Enclosures



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
390 Hwy 29 N
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
East Building, 2nd Floor
Mail Stop: E21-317
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,

Jim Shimko
Manager
DGM Consulting Resources
Jim.Shimko@DGMResources.com
Cell: 404.323.8833
Office: 678.228.2235



390 Hwy 29 N, Newnan, GA 30263
Office: 678.228.2235
Fax: 864.234.7521
Toll Free: 877.289.8588





Dangerous Goods Regulations

UN ID no.	Proper Shipping Name/Description	Class or Div. (Sub Risk)	Hazard Label(s)	PG	Passenger and Cargo Aircraft						Cargo Aircraft Only		
					EQ see 2.7	Ltd Qty		Pkg Inst	Max Net Qty/Pkg	Pkg Inst	Max Net Qty/Pkg	Pkg Inst	Max Net Qty/Pkg
						G	H						
A	B	C	D	E	F	G	H	I	J	K	L		
0503	Air bag inflators †	1.4G	Explosive 1.4		E0	Forbidden		Forbidden		135	75 kg		
3268	Air bag inflators †	9	Miscellaneous	III	E0	Forbidden		917	25 kg	917	100 kg		
0503	Air bag modules †	1.4G	Explosive 1.4		E0	Forbidden		Forbidden		135	75 kg		
3268	Air bag modules †	9	Miscellaneous	III	E0	Forbidden		917	25 kg	917	100 kg		
1002	Air, compressed Aircraft, see Vehicle, flammable gas powered (UN 3166) or Vehicle, flammable liquid powered (UN 3166) Aircraft engines, see Engines, Internal combustion, flammable liquid powered (UN 3166) Aircraft engines (including turbines), see Engines, Internal combustion, flammable gas powered (UN 3166) or Engines, Internal combustion, flammable liquid powered (UN 3166) Aircraft evacuation slides, see Life-saving appliances, self-inflating (UN 2990)	2.2	Non-flamm. gas		E1	Forbidden		200	75 kg	200	150 kg		
3165	Aircraft hydraulic power unit fuel tank (containing a mixture of anhydrous hydrazine and methyl hydrazine) (M86 fuel) Aircraft survival kits, see Life-saving appliances, self-inflating (UN 2990) or Life-saving appliances, not self-inflating (UN 3072)	3 (6.1, 8)	Flamm. liquid & Toxic & Corrosive	I	E0	Forbidden		Forbidden		301	42 L		
1003	Air, refrigerated liquid	2.2 (5.1)	Non-flamm. gas & Cryogenic liquid & Oxidizer		E0	Forbidden		Forbidden		202	150 kg		
3274	Alcoholates solution, n.o.s. * In alcohol Alcohol, denatured, see Alcohols, flammable, toxic, n.o.s. * (UN 1988) or Alcohols, n.o.s. * (UN 1987)	3 (6)	Flamm. liquid & Corrosive	II	E2	Y305	0.5 L	305	1 L	307	5 L		
3085	Alcoholic beverages containing 70% or less but more than 24% of alcohol by volume, in receptacles, each having capacities of more than 5 Litres	3	Flamm. liquid	III	E1	Y309	10 L	309	60 L	310	220 L		
3065	Alcoholic beverages containing more than 70% alcohol by volume Alcoholic beverages, containing 24% or less alcohol by volume	3	Flamm. liquid	II	E2	Y305	1 L	305	5 L	307	60 L		
	Alcoholic beverages, containing 70% or less alcohol by volume, in receptacles, each having capacities of 5 Litres or less							Not Restricted		Not Restricted	Not Restricted		
	Alcohol, industrial, see Alcohols, flammable, toxic, n.o.s. * (UN 1986) or Alcohols, n.o.s. * (UN 1987)							Not Restricted		Not Restricted	Not Restricted		
1987	Alcohols, n.o.s. *	3	Flamm. liquid	II	E2	Y305	1 L	305	5 L	307	60 L		
				III	E1	Y309	10 L	309	60 L	310	220 L		
1988	Alcohols, flammable, toxic, n.o.s. *	3 (6.1)	Flamm. liquid & Toxic	I	E0	Forbidden		Forbidden		303	30 L		
				II	E2	Y305	1 L	305	1 L	307	60 L		
				III	E1	Y309	2 L	309	60 L	310	220 L		
	Aldehyde, see Acetaldehyde (UN 1089)												

3. CLASSIFICATION

4. IDENTIFICATION

presents a hazard during transportation but which does not meet the definition of any other hazard class. This class includes:

(a) Any material which has an anesthetic, noxious or other similar property which could cause extreme annoyance or discomfort to a flight crew member so as to prevent the correct performance of assigned duties; or

(b) Any material that meets the definition in §171.8 of this subchapter for an elevated temperature material, a hazardous substance, a hazardous waste, or a marine pollutant.

§173.141 Class 9—Assignment of packing group.

The packing group of a Class 9 material is as indicated in Column 5 of the §172.101 Table.

§173.144 Other Regulated Materials (ORM)—Definitions.

For the purpose of this subchapter, **ORM-D material** means a material such as a consumer commodity, which, although otherwise subject to the regulations of this subchapter, presents a limited hazard during transportation due to its form, quantity and packaging. It must be a material for which exceptions are provided in the §172.101 Table. Each ORM-D material and category of ORM-D material is listed in the §172.101 Table.

§173.145 Other Regulated Materials—Assignment of packing group.

Packing groups are not assigned to ORM-D materials.

§173.150 Exceptions for Class 3 (flammable and combustible liquids).

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §172.101 Table of this subchapter.

(b) *Limited quantities.* Limited quantities of flammable liquids (Class 3) and combustible liquids are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For flammable liquids in Packing Group I, inner packagings not over 0.5 L (0.1 gallon) net capacity each, packed in strong outer packagings;

(2) For flammable liquids in Packing Group II, inner packagings not over 1.0 L (0.3 gallons) net capacity each, unless the material has a subsidiary hazard of Division 6.1, Packing Group II, in which case the inner packagings may not exceed 100 mL (3.38 ounces) net capacity each, packed in a strong outer packaging.

(3) For flammable liquids in Packing Group III and combustible liquids, inner packagings not over 5.0 L (1.3 gallons) net capacity each, packed in strong outer packagings.

(c) *Consumer commodities.* Except for a material that has a subsidiary hazard of Division 6.1, Packing Group II, a limited quantity which conforms to the provisions of paragraph (b) of this section and is a "consumer commodity" as defined in 171.8 of this subchapter, may be renamed "Consumer commodity" and reclassified as ORM-D material. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM-D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in §173.156.

(d) *Alcoholic beverages.* An alcoholic beverage (wine and distilled spirits as defined in 27 CFR 4.10 and 5.11) is not subject to the requirements of this subchapter if it—

(1) Contains 24 percent 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 conforms to §175.10(a)(17) of this subchapter as checked or carry-on baggage; or

(3) Is a Packing Group III alcoholic beverage in a packaging of 250 L (66 gallons) or less, unless transported by air.

(e) *Aqueous solutions of alcohol.* An aqueous solution containing 24 percent or less alcohol by volume and no other hazardous material—

(1) May be reclassified as a combustible liquid.

(2) Is not subject to the requirements of this subchapter if it contains no less than 50 percent water.

(f) *Combustible liquids.* (1) A flammable liquid with a flash point at or above 38 °C (100 °F) that does not meet the definition of any other hazard class, may be reclassified as a combustible liquid. This provision does not apply to transportation by vessel or aircraft, except where other means of transportation is impracticable.

(2) The requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, a hazardous waste, or a marine pollutant.

(3) A combustible liquid that is in a bulk packaging or a combustible liquid that is a hazardous substance, a hazardous waste, or a marine pollutant is not subject to the requirements of this subchapter except those pertaining to:

(i) Shipping papers, waybills, switching orders, and hazardous waste manifests;

(ii) Marking of packages;

(iii) Display of identification numbers on bulk packages;

(iv) For bulk packaging only, placarding requirements of subpart F of part 172 of this subchapter;

(v) Carriage aboard aircraft and vessels (for packaging requirements for transport by vessel, see §176.340 of this subchapter);

(vi) Reporting incidents as prescribed by §§171.15 and 171.16 of this subchapter;

(vii) Packaging requirements of subpart B of this part and, in addition, non-bulk packagings must conform with requirements of §173.203;

(viii) The requirements of §§173.1, 173.21, 173.24, 173.24a, 173.24b, 174.1, 177.804, 177.817, 177.834(j), and 177.837(d) of this subchapter;

(ix) The training requirements of subpart H of part 172 of this subchapter.

(x) Emergency response information requirements of subpart G of part 172.

(4) A combustible liquid that is not a hazardous substance, a hazardous waste, or marine pollutant is not subject to the requirements of this subchapter if it is a mixture of one or more components that—

(i) Has a flash point at or above 93 °C (200 °F),

(ii) Comprises at least 99 percent of the volume of the mixture, and

(iii) Is not offered for transportation or transported as a liquid at a temperature at or above its flash point.

§173.151 Exceptions for Class 4.

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §172.101 Table of this subchapter.

(b) *Limited quantities of Division 4.1.* Limited quantities of flammable solids (Division 4.1) in Packing Groups II and III are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For flammable solids in Packing Group II, inner packagings not over 1.0 kg (2.2 pounds) net capacity each, unless the material has a subsidiary hazard of Division 6.1, Packing Group II, in which case the inner packagings may not exceed 0.5 kg (1.1 pounds) net capacity each, packed in a strong outer packaging.

(2) For flammable solids in Packing Group III, inner packagings not over 5.0 kg (11 pounds) net capacity each, packed in a strong outer packaging.

(c) *Consumer commodities.* Except for a material that has a subsidiary hazard of Division 6.1, Packing Group II, a limited quantity which conforms to the provisions of paragraph (b) of this section, and charcoal briquettes in packagings not exceeding 30 kg (66 pounds) gross weight, may be renamed "Consumer commodity" and reclassified as ORM-D material, if the material is a "consumer commodity" as defined in §171.8 of this subchapter. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM-D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, a hazardous waste, marine pollutant, or is offered for transportation or transported by aircraft, and are eligible for the exceptions provided in §173.156.

(d) *Limited quantities of Division 4.3.* Limited quantities of dangerous when wet (Division 4.3) solids in Packing Groups II or III are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each pack-

49 CFR - 172-101 Hazardous Materials Tables and Special Provisions (172.102)

Proper shipping name: Alcoholic Beverages

Hazard Classification 3

Identification Number: UN3065

Packing Group: III - Minor Danger

Special Provisions(172-102): 24, B1, IB3, N11, T2, TP1

No material from IATA has been included...

**It only contains material from: CODE OF FEDERAL REGULATION TITLE 49:TRANSPORTATION
PART 175 – CARRIAGE BY AIRCRAFT
US HAZMAT LAWS & REGULATIONS**

Data is current as of January 8, 2010

Roberto Pantoja



***Tired of wading* through volumes of the printed Code of Federal Regulations books?**



49 CFR - 172.101 Hazardous Materials Table

(1) Symbols	
(+, A, D, G, I or W)	
(2) Hazardous Material Description and Proper Shipping Name:	Alcoholic beverages
(3) Hazard Classification	3
(4) Identification Numbers	UN3065
(5) Packing Group (PG)	III
	I-Great Danger
	II-Medium Danger
	III-Minor Danger
(6) Label Codes	3
(7) Special Provisions (172.102)	24, B1, IB3, N11, T2, TP1
(8A) Packaging Exceptions (173.***)	150
(8B) Packaging (Non-Bulk) (173.***)	203
(8C) Packaging (Bulk) (173.***)	242
(9A) Passenger Aircraft	60 L
(9B) Cargo Aircraft Only	220 L
(10A) Vessel Storage (Location)	A
(10B) Vessel Storage (Other)	



Filename: D:\MSDS\172_101\172HMT\172_101057.HTM

Sym- bols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identifi- cation Num- bers	PG	Label Codes	Special provi- sions	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Excep- tions (8A)	Non- bulk (8B)	Bulk (8C)	Passenge aircraft/rail (9A)	Cargo air- craft only (9B)	Loca- tion (10A)	Other (10B)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Air, refrigerated liquid, [(cryogenic liquid) non-pressurized]	2.2	UN1003		2.2, 5.1	T75, TP5, TP22	320	316	318, 319	Forbidden	Forbidden	D	51
	[Aircraft engines (including turbines), see] Engines, internal combustion												
	[Aircraft evacuation slides, see] Life saving appliances [etc]												
	Aircraft hydraulic power unit fuel tank [(containing a mixture of anhydrous hydrazine and monomethyl hydrazine) (M86 fuel)]	3	UN3165	I	3, 6.1, 8		None	172	None	Forbidden	42 L	E	
	[Aircraft survival kits, see] Life saving appliances [etc]												
G	Alcoholates solution, n.o.s., [in alcohol]	3	UN3274	II	3, 8	IB2	150	202	243	1 L	5 L	B	
	Alcoholic beverages	3	UN3065	II	3	24, 149, B1, IB2, T4, TP1	150	202	242	5 L	60 L	A	
*	Alcoholic beverages	3	UN3065	III	3	24, B1, IB3, N11, T2, TP1	150	203	242	60 L	220 L	A	
	Alcohols, n.o.s.	3	UN1987	I	3	172, T11, TP1, TP8, TP27	None	201	243	1 L	30 L	E	
	Alcohols, n.o.s.	3	UN1987	II	3	172, IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
	Alcohols, n.o.s.	3	UN1987	III	3	172, B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
G	Alcohols, flammable, toxic, n.o.s.	3	UN1986	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40
G	Alcohols, flammable, toxic, n.o.s.	3	UN1986	II	3, 6.1	IB2, T11, TP2, TP27	150	202	243	1 L	60 L	B	40
G	Alcohols, flammable, toxic, n.o.s.	3	UN1986	III	3, 6.1	B1, IB3, T7, TP1, TP28	150	203	242	60 L	220 L	A	
	Aldehydes, n.o.s.	3	UN1989	I	3	T11, TP1, TP27	None	201	243	1 L	30 L	E	
	Aldehydes, n.o.s.	3	UN1989	II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	

Pipeline and Hazardous Materials Safety Administration, DOT

HazMat Table

HazMat Table

THIS IS A COPY FROM MR. BULTED HAZMAT TABLE

SPECIAL PROVISIONS

dew-point at or below minus 46.7°C (minus 52°F) at 101kPa (1 atmosphere) and is free of corroding components, to not more than the service pressure of the cylinder.

- c. A fire extinguisher may not contain more than 30% carbon dioxide by volume or any other corrosive extinguishing agent.
 - d. Each fire extinguisher must be protected externally by suitable corrosion-resisting coating.
- 19 For domestic transportation only, the identification number "UN1075" may be used in place of the identification number specified in Column (4) of the §172.101 Table. The identification number used must be consistent on package markings, shipping papers and emergency response information.
- 21 This material must be stabilized by appropriate means (e.g., addition of chemical inhibitor, purging to remove oxygen) to prevent dangerous polymerization (see §173.21(f) of this subchapter).
- 22 If the hazardous material is in dispersion in organic liquid, the organic liquid must have a flash point above 50°C (122°F).
- 23 This material may be transported under the provisions of Division 4.1 only if it is so packed that the percentage of diluent will not fall below that stated in the shipping description at any time during transport. Quantities of not more than 500 g per package with not less than 10 percent water by mass may also be classed in Division 4.1, provided a negative test result is obtained when tested in accordance with test series 6(c) of the UN Manual of Tests and Criteria (IBR, see §171.7 of this subchapter).
- 24 Alcoholic beverages containing more than 70 percent alcohol by volume must be transported as materials in

SPECIAL PROVISIONS

Packing Group II. Alcoholic beverages containing more than 24 percent but not more than 70 percent alcohol by volume must be transported as materials in Packing Group III.

- 26 This entry does not include ammonium permanganate; the transport of which is prohibited except when approved by the Associate Administrator.
- 28 The dihydrated sodium salt of dichloroisocyanuric acid is not subject to the requirements of this subchapter.
- 29 For transportation by motor vehicle, rail car or vessel, production runs (exceptions for prototypes can be found in §173.185(e)) of not more than 100 lithium cells or batteries are excepted from the testing requirements of §173.185(a)(1) if—
- a. For a lithium metal cell or battery, the lithium content is not more than 1.0 g per cell and the aggregate lithium content is not more than 2.0 g per battery, and, for a lithium-ion cell or battery, the equivalent lithium content is not more than 1.5 g per cell and the aggregate equivalent lithium content is not more than 8 g per battery;
 - b. The cells and batteries are transported in an outer packaging that is a metal, plastic or plywood drum or metal, plastic or wooden box that meets the criteria for Packing Group I packagings; and
 - c. Each cell and battery is individually packed in an inner packaging inside an outer packaging and is surrounded by cushioning material that is non-combustible, and non-conductive.
- 30 Sulfur is not subject to the requirements of this subchapter if transported in a non-bulk packaging or if formed to a specific shape (for example, prills, granules, pellets, pastilles, or flakes). A bulk packaging containing sulfur is not subject to the placarding

Code/Special provisions

- N3** Glass inner packagings are permitted in combination or composite packagings only if the hazardous material is free from hydrofluoric acid.
- N4** For combination or composite packagings, glass inner packagings, other than ampoules, are not permitted.
- N5** Glass materials of construction are not authorized for any part of a packaging which is normally in contact with the hazardous material.
- N6** Battery fluid packaged with electric storage batteries, wet or dry, must conform to the packaging provisions of §173.159(g) or (h) of this subchapter.
- N7** The hazard class or division number of the material must be marked on the package in accordance with §172.302 of this subchapter. However, the hazard label corresponding to the hazard class or division may be substituted for the marking.
- N8** Nitroglycerin solution in alcohol may be transported under this entry only when the solution is packed in metal cans of not more than 1 L capacity each, overpacked in a wooden box containing not more than 5 L. Metal cans must be completely surrounded with absorbent cushioning material. Wooden boxes must be completely lined with a suitable material impervious to water and nitroglycerin.
- N11** This material is excepted for the specification packaging requirements of this subchapter if the material is packaged in strong, tight non-bulk packaging meeting the requirements of subparts A and B of part 173 of this subchapter.
- N12** Plastic packagings are not authorized.
- N20** A 5M1 multi-wall paper bag is authorized if transported in a closed transport vehicle.

- N25** Steel single packagings are not authorized.
- N32** Aluminum materials of construction are not authorized for single packagings.
- N33** Aluminum drums are not authorized.
- N34** Aluminum construction materials are not authorized for any part of a packaging which is normally in contact with the hazardous material.
- N36** Aluminum or aluminum alloy construction materials are permitted only for halogenated hydrocarbons that will not react with aluminum.
- N37** This material may be shipped in an integrally-lined fiber drum (1G) which meets the general packaging requirements of subpart B of part 173 of this subchapter, the requirements of part 178 of this subchapter at the packing group assigned for the material and to any other special provisions of column 7 of the §172.101 table.
- N40** This material is not authorized in the following packagings:
- A combination packaging consisting of a 4G fiberboard box with inner receptacles of glass or earthenware;
 - A single packaging of a 4C2 sift-proof, natural wood box; or
 - A composite packaging 6PG2 (glass, porcelain or stoneware receptacles within a fiberboard box).
- N41** Metal construction materials are not authorized for any part of a packaging which is normally in contact with the hazardous material.
- N42** 1A1 drums made of carbon steel with thickness of body and heads of not less than 1.3 mm (0.050 inch) and with a corrosion-resistant phenolic lining are authorized

Roberto Pantoja

From: Juan.Bulted@faa.gov
Sent: Monday, January 11, 2010 10:15 AM
To: Roberto Pantoja
Cc: Silvia Santiago; Hector Guzman
Subject: Re: Hazmat Inspection (Briefing)
Attachments: FAA.PDF

Importance: High
Sensitivity: Private

Mr. Pantoja

I am aware of IATA's requirements for alcoholic beverages. However, we do not enforce IATA; we do enforce the US hazmat law and regulations. IATA stands for **International Air Transport Association** which is an international industry trade group of airlines headquartered in Montreal, Quebec, Canada. IATA's mission is to represent, lead, and serve the airline industry and does not represent or has any government regulatory authority. IATA represents some 230 airlines comprising 93% of scheduled international air traffic and not any Governmental Authority. Shippers offering hazmat for air transportation to or from the USA (Puerto Rico is part of the USA) must comply with 49 CFR or the International Civil Aviation Organization (ICAO)'s Technical Instructions for the Safe Transport of Dangerous Goods by Air.

If you prefer to utilize IATA, it is your choice. Nevertheless, you must comply with either 49 CFR or the International Civil Aviation Organization (ICAO)'s Technical Instructions for the Safe Transport of Dangerous Goods by Air. I hope this further clarifies any additional doubts you may have concerning our discussion last week (Thursday and Friday) during our hazmat inspection.

I suggest you relay this information to your hazmat trainers in the event you think it is needed.

Thanks.

Juan Bulted
FAA HAZMAT Enforcement

<roberto.pantoja@donq.com>

01/08/2010 02:12 PM

To Juan Bulted/ASO/FAA@FAA
cc
Subject



INTERNATIONAL AIR TRANSPORT ASSOCIATION

Dangerous Goods Regulations

1. APPLICABILITY

2. LIMITATIONS

3. CLASSIFICATION

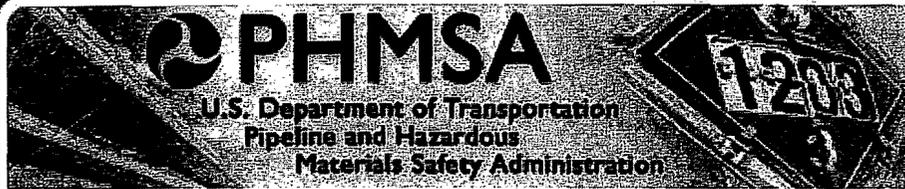
4. IDENTIFICATION

4

A

△

UN/ ID no.	Proper Shipping Name/Description	Class or Div. (Sub Risk)	Hazard * Label(s)	PG	EQ see 2.7	Passenger and Cargo Aircraft				Cargo Aircraft C			
						Ltd Qty		Pkg Inst	Max Net Qty/Pkg	Pkg Inst	Max Net Qty/Pkg	Pkg Inst	Ma Qt
						G	H						
0332	Agent, blasting type E †	1.5D				-	-	Forbidden		Forbidden			
0503	Air bag inflators †	1.4G	Explosive 1.4		E0	-	-	Forbidden		135	7		
3268	Air bag inflators †	9	Miscellaneous	III	E0	-	-	917	25 kg	917	10		
0503	Air bag modules †	1.4G	Explosive 1.4		E0	-	-	Forbidden		135	7		
3268	Air bag modules †	9	Miscellaneous	III	E0	-	-	917	25 kg	917	10		
1002	Air, compressed Aircraft, see Vehicle, flammable gas powered (UN 3166) or Vehicle, flammable liquid powered (UN 3166) Aircraft engines, see Engines, internal combustion, flammable liquid powered (UN 3166) Aircraft engines (including turbines), see Engines, internal combustion, flammable gas powered (UN 3166) or Engines, internal combustion, flammable liquid powered (UN 3166) Aircraft evacuation slides, see Life-saving appliances, self-inflating (UN 2990)	2.2	Non-flamm. gas		E1	-	-	200	75 kg	200	15		
3165	Aircraft hydraulic power unit fuel tank (containing a mixture of anhydrous hydrazine and methyl hydrazine) (M86 fuel) Aircraft survival kits, see Life-saving appliances, self-inflating (UN 2990) or Life-saving appliances, not self-inflating (UN 3072)	3 (6.1, 8)	Flamm. liquid & Toxic & Corrosive	I	E0	-	-	Forbidden		301			
1003	Air, refrigerated liquid	2.2 (5.1)	Non-flamm. gas & Cryogenic liquid & Oxidizer		E0	-	-	Forbidden		202	1		
3274	Alcoholates solution, n.o.s. * in alcohol Alcohol, denatured, see Alcohols, flammable, toxic, n.o.s. * (UN 1986) or Alcohols, n.o.s. * (UN 1987)	3 (8)	Flamm. liquid & Corrosive	II	E2	Y305	0.5 L	305	1 L	307			
3065	Alcoholic beverages containing 70% or less but more than 24% of alcohol by volume, in receptacles, each having capacities of more than 5 Litres	3	Flamm. liquid	III	E1	Y309	10 L	309	60 L	310			
3065	Alcoholic beverages containing more than 70% alcohol by volume Alcoholic beverages, containing 24% or less alcohol by volume Alcoholic beverages, containing 70% or less alcohol by volume, in receptacles, each having capacities of 5 Litres or less Alcohol, industrial, see Alcohols, flammable, toxic, n.o.s. * (UN 1986) or Alcohols, n.o.s. * (UN 1987)	3	Flamm. liquid	II	E2	Y305	1 L	305	5 L	307			
1987	Alcohols, n.o.s. *	3	Flamm. liquid	II III	E2 E1	Y305 Y309	1 L 10 L	305 309	5 L 60 L	307 310			
1986	Alcohols, flammable, toxic, n.o.s. *	3 (6.1)	Flamm. liquid & Toxic	I II III	E0 E2 E1	- Y305 Y309	- 1 L 2 L	- 305 309	Forbidden 1 L 60 L	303 307 310			
	Aldehyde, see Acetaldehyde (UN 1089)												



Information Center Comments/Questions

To ensure a prompt response to your request, please fill in all of the following form fields (required fields are indicated by an *). For text only browsers email your comment(s)/question(s) to phmsa.hm-infocenter@dot.gov (please include your telephone number in your email).

Question Category:*

Aircraft (Sections 175.1 - 175.706)

Please Enter Your Question/Comment:

An FAA inspector has been requiring us to classify small quantity alcoholic beverage packages sent to USA by FedEx aircraft, and containing less than 70% alcohol by volume in bottles not exceeding 1 liter each as DANGEROUS GOOD. He insist that any rum sample containing more than 24% alcohol by volume is a dangerous good and is subjected to the same regulations required for alcoholic beverages containing more than 70% alcohol by volume. We need your comment because he is going to fine us if we do not

follow his rule? Is he right?

Contact Information:

Name:*

Organization:

Street Address:

City:

State:

Country (International Only):

Zip Code:

E-mail Address:*

Telephone Number:*

Fax Number:

Roberto Pantoja

From: victoria.lehman@dot.gov
Sent: Thursday, January 07, 2010 3:14 PM
To: Roberto Pantoja
Subject: Re DOT Hazmat Center Inquiry

Dear Roberto Pantoja,

We have received your inquiry about the hazardous materials regulations (HMR) (49 CFR Parts 171-180).

The HMR prescribes the requirements of the Department of Transportation governing the offering and transportation of hazardous materials in interstate, intrastate, and foreign commerce by rail car, aircraft, motor vehicle, and vessel. While we cannot provide an exhaustive list of each applicable requirement, we suggest you review section(s) 173.150(d)(2) for additional information. The hazardous materials regulations are available at the following URL:

<http://hazmat.dot.gov/regs/rules.htm>

If you require additional assistance, you may contact the Hazardous Materials Information Center, which is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at +1(202) 366-4488.

Sincerely,

Victoria, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://hazmat.dot.gov/infocent.htm>

Letter was sent to Mr. Bulted. He did not accept 173.150(d)(2). He wants that we have to comply with d(6) = Not More than 24% Alc by Volume

Sr. Roberto Pantoja, *It only applies to passenger baggage*

Hemos recibido su pedido de información a cerca de las reglas y disposiciones federales para materiales peligrosos (49 CFR) Código Federal de Regulaciones Partes 171-180).

Estas reglas o disposiciones se pueden encontrar en la siguiente página Web:

<http://hazmat.dot.gov/regs/rules.htm>

Como no podemos ofrecerle una lista completa y exhaustiva de cada requisito que pueda ser aplicable a su pedido, le sugerimos que revise las secciones [173.150 (d) (2)] donde podrá encontrar información adicional.

Si requiere aún mayor asistencia a su pedido, puede comunicarse al Centro de Información de Materiales Peligrosos, el que está atendido por especialistas quienes podrán contestar oportunamente su pedido por teléfono, de lunes a viernes de 9:00 AM a 5:00 PM -hora del Este- al numero +1(202) 366-4488.

Agradecemos su atención,

Victoria, Especialista en Materiales Peligrosos

DerKinderen, Dirk (PHMSA)

From: Ledina.Gianfrate@faa.gov
Sent: Wednesday, March 03, 2010 3:18 PM
To: Betts, Charles (PHMSA)
Cc: Dirk.DerKinderen@dot.gov; JanetMcLaughlin/AWA/FAA
Subject: Alcoholic beverage exception letter.

Charles,

Janet and I are ok with the interp letter on the alcoholic beverages. Sorry it took so long to be finalized.

Thanks

Ledina

Ledina Gianfrate
International and Outreach Division
Office of Hazardous Materials
Federal Aviation Administration
T-202.385.4921
Email - Ledina.Gianfrate@faa.gov