



Guidance Document

SP9275 Small Quantities of Ethyl Alcohol

On March 18, 2014 the US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule (HM-233C) adopting certain long standing special permits including SP9275.

Effective April 14, 2014 PHMSA is adding a new section to the Hazardous Materials Regulations (§173.50(g)) **to permit the shipment of limited quantities of retail products containing not more than 70% of ethyl alcohol not exceeding 8 fluid ounces in glass inner containers and not exceeding 16 fluid ounces for non-glass inner containers.** In essence these smaller quantities are no longer regulated by the US DOT.

Larger packages containing inner packagings with 8 fluid ounces to 1 gallon shipped under this section require the marking “contains ethyl alcohol” on the outer packaging. **For transportation by aircraft no outer package is permitted which contains inner packaging exceeding 16oz liquid or 1 pound solid.**

COSTHA air carrier members wish to remind those companies who ship in these larger quantities that these are not allowed to be shipped by air.

Carriers would also like to caution that outer packaging should not contain the text marking “Contains ethyl alcohol” **unless the shipment exceeds 8 fluid ounces in glass inner containers and/or 16 fluid ounces for non-glass inner containers.** The addition of the mark on packaging containing quantities less than 8 fluid ounces for glass inner containers and/or 16 fluid ounces for non-glass inner containers may result in shipment delays or additional package inspections.

COSTHA has been very involved in working with PHMSA, Special Permit holders and the air carrier industry to allow for the continued transportation of small quantities of products containing ethyl alcohol without the addition of the marking “contains ethyl alcohol”. The new rulemaking authorizes transportation of liquids and solids containing ethyl alcohol and exempts them from the provisions of the HMR.

The special permit has been in existence since at least 1985 and had hundreds of companies utilizing the “party to” status for the permit. In COSTHA’s meetings with the agency and petitions and comments we noted that the long standing special permit has been utilized over the years by hundreds of companies shipping literally millions of packages without incident. Carriers noted that certain key words like “ethyl alcohol” and text marking requirements added confusion to the transportation chain and would result in tens of thousands of frustrated shipment. Industry was concerned that these new marking requirements would take valuable resources away from the management of shipments that might present a higher risk in transportation.

COSTHA is very pleased that PHMSA has taken a risk based approach to adoption of these long standing special permits and is engaging in “regulation based on risk”.

Should you have any questions regarding this rulemaking please contact your air carrier, the US DOT PHMSA (1 800 467-4922) or the COSTHA office (518 761 0389).

Council on Safe Transportation of Hazardous Articles

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 171, 172, 173, 175 and 178

[Docket No. PHMSA-2011-0158 (HM-233C)]

RIN 2137-AE82

Hazardous Materials: Adoption of Certain Special Permits and Competent Authorities Into Regulations

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations (HMR) to adopt provisions contained in certain widely used or longstanding special permits and certain competent authority approvals ("approvals") that have established safety records. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations provided an equivalent level of safety is maintained. An approval is a written consent (document) required under an international standard (i.e., International Maritime Dangerous Goods (IMDG) Code, International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI)), or is specifically provided for in the HMR, and is issued by the Associate Administrator for Hazardous Materials Safety. These revisions are intended to provide wider access to the regulatory flexibility offered in special permits and approvals and eliminate the need for numerous renewal requests, reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.

DATES: This regulation is effective April 17, 2014. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of April 17, 2014.

PDF - <http://www.gpo.gov/fdsys/pkg/FR-2014-03-18/pdf/2014-05630.pdf>

More - <http://www.gpo.gov/fdsys/search/pagedetails.action?granuleId=2014-05630&packageId=FR-2014-03-18&acCode=FR>

COSTHA is a not-for-profit organization representing manufacturers, shippers, distributors, carriers, freight forwarders, trainers, packaging manufacturers and others associated with the hazardous materials transportation industry. In addition to promoting regulatory compliance and safety in hazardous materials transportation, COSTHA assists its members and the public in evaluating the practicality and efficacy of laws, rules and regulations for the safe transportation and distribution of hazardous materials. For more information on COSTHA, please visit www.costha.com

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