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**Committee of Experts on the Transport of Dangerous Goods  
and on the Globally Harmonized System of Classification  
and Labelling of Chemicals****Sub-Committee of Experts on the Transport of Dangerous Goods****Forty-eighth session**

Geneva, 30 November – 9 December 2015

Item 3 of the provisional agenda

**Listing, classification and packing****Proposed new special provision for the transport of consumer  
and pharmaceutical products containing ethyl alcohol****Transmitted by the Association of Hazmat Shippers (AHS)<sup>1</sup>****Background**

1. At the forth-seventh session of the Sub-Committee, AHS submitted proposed new special provisions for consumer and pharmaceutical products (ST/SG/AC.10/C.3/2015/25). AHS also submitted informal document INF.14 modifying those proposals to add restrictions on outer packaging.
2. The proposals were based primarily on the longstanding relief from transport regulation granted to UN3065, Alcoholic beverages, in prescribed inner receptacle sizes. See special provisions 145 and 146. It also was based in substantial part on a successful 30-year history of a United States exemption generally equating consumer products and pharmaceutical products containing ethyl alcohol to distilled spirits for beverages. This exemption was held individually by more than 350 companies, required incident reporting, and had to be renewed every two years with a report of any adverse experience. It applied in all modes of transport. Since 2013 it has been part of the general dangerous goods transport regulations of the United States, at 49 Code of Federal Regulations, section 173.150(g).

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<sup>1</sup> In accordance with the programme of work of the Sub-Committee for 2015-2016 approved by the Committee at its seventh session (refer to ST/SG/AC.10/C.3/92, paragraph 95 and ST/SG/AC.10/42, para. 15).



3. The previous AHS proposal was written to accommodate the specific structure of the U.S. regulation. Admittedly, this made the proposed new special provisions difficult to read. Based upon constructive criticism of the Sub-Committee, the former AHS paper was withdrawn and has been revised significantly for consideration at the forty-eighth session. Like special provisions 145 and 146, the former proposal drew a distinction between mixtures containing more or less than 70% ethyl alcohol, but AHS believes that the reduction of the proposed maximum volume of the inner receptacles from 5 litres to 1 litre makes the need for this breakpoint unnecessary.
4. The previous proposal included solids containing ethyl alcohol. The new proposal is limited to liquids in Packing Groups II and III.
5. The former proposal included a marking on the outer packaging. This proposal does not.
6. Like the U.S. regulation, the former proposal included “medical screening solutions and concentrates used therein.” That wording has been deleted.
7. Several delegations asked why limited quantity provisions were insufficient. The issue is international trade which, of necessity, includes air and ocean transportation where limited quantity relief is not adequate. This paper proposes operational equivalency to beverage ethanol, that is not subject to the air and ocean limited quantity shipping paper, marking, labelling burdens and related dangerous goods fees.

## **Rationale**

8. The products described in this proposal bear no significant differences from those in exceptions in the UN, ADR, ICAO, and IMO for alcoholic beverages. The very long safety record in handling beverages is not subject to question.
9. AHS believes that this long success is due in part to the composition of the products, but more importantly to the economic value of the products and the consequent care used in the design and filling of the packaging.
10. In large part, this is because no retailers of alcoholic beverages want the inner receptacles and any intermediate receptacles to be dented, soiled, or otherwise damaged so as to make them unacceptable to the consignees or ultimate purchasers. The same high value and customer satisfaction concerns are applicable to consumer products and flavor/fragrance samples as described in this proposal.
11. In addition to this factor, the influence of many other governmental bodies serves to enhance the quality of the packaging. These include national taxing authorities, food and drug safety authorities, and consumer product safety authorities.
12. Finally, taking these parallel products out of the regulatory stream brings greater efficiency and ability to direct attention to materials that pose far greater risks.

## **Proposal**

13. In consideration of this information, AHS proposes that the Sub-Committee adopt a new Special Provision XXX for the entries UN1170 Ethyl alcohol, UN1266 Perfumery products, and UN1197, Extracts, flavoring, liquid:
14. XXX Beverages, foods, medicines, and cosmetics containing ethyl alcohol mixtures classed as a flammable liquid in Packing Groups II or III, in packagings intended or

suitable for retail sale or pharmaceutical distribution, are not subject to these Regulations provided that:

- (a) For glass inner receptacles the capacity does not exceed 250 mL capacity;
  - (b) For non-glass inner receptacles, the capacity does not exceed 1 L; and
  - (c) The gross mass of the completed package does not exceed 30 kg. Inner receptacles shall be secured within the outer packaging to prevent breakage, leakage, and excessive movement. Outer packaging shall meet the provisions of 4.1.1.1, 4.1.1.2, and 4.1.1.4 to 4.1.1.8.
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