



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUL 31 2006

Mr. Michael Ritchie
Minnesota Department of Transportation
Office of Freight and Commercial
Vehicle Operations
Mail Stop 460, Room 121
395 John Ireland Blvd.
St. Paul, MN 55155

Ref. No. 06-0122

Dear Mr. Ritchie:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding proper shipping names for diesel fuel and fuel oils mixed with vegetable and animal oils, and gasoline mixed with denatured ethanol. The first product (B-2) is 98% fuel oil/diesel fuel blended with 2% vegetable and animal oils. The second product (B-20) is 80% fuel oil blended with 20% vegetable and animal oils. The third product is gasoline blended with at least 1.0% denatured ethanol. You state that data indicates the fuel oils blended with vegetable and animal oils have flash points meeting Class 3 (flammable) or combustible liquid definitions under the HMR. You also state that the shipping papers for these materials do not indicate that the material is mixed, rather, they show the materials listed separately. You ask which shipping names are most appropriate for these products.

A hazardous material mixed with a non-hazardous material must be described using the proper shipping name of the hazardous material and the qualifying word "mixture" or "solution," as appropriate, unless any of the provisions in § 172.101(c)(10)(i)(A) through (F) apply. Therefore, the most appropriate proper shipping names for the first product (B-2) are "Diesel fuel solution," NA1993, "Diesel fuel solution," UN1202, or "Fuel oil solution," NA1993, as appropriate. The most appropriate proper shipping names for the second product (B-20) are "Fuel oil solution," NA1993 or "Flammable liquid, n.o.s. (fuel oil solution)," UN1993, as appropriate. A material that is a mixture or solution must be indicated on the shipping paper with its appropriate proper shipping name and may not have its constituents or commercial names listed separately in lieu of the proper shipping name. Such information may, however, be indicated following the basic description.



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172.101(c)(10)(i)(A)

Currently, the most appropriate proper shipping name for gasoline mixed with not more than 10% alcohol is "Gasohol," NA1203 or "Flammable liquid, n.o.s. (contains gasoline with 10% denatured alcohol)," UN1993. The proper shipping name "Gasoline," UN1203 would be appropriately assigned to gasoline that is not mixed with other hazardous materials.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is written in a cursive style with a large, looping initial "H".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Minnesota Department of Transportation

Office of Freight and Commercial Vehicle Operations

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McIntyre
§172.101
Proper Shipping Name
06-0122

May 3, 2006

US Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Standards
Mr. Edward T. Mazzullo
PHH-10
400 Seventh Street SW
Washington, DC

Re: Proper shipping names for alternative fuels.

Dear Mr. Mazzullo,

Diesel fuel, including fuel oils No. 1 and 2, are currently being blended with vegetable oils and animal oils known by the trade name Biodiesel. The Biodiesel materials, manufactured to ASTM standard D 6751, are identified by the chemical name Fatty Acid Methyl Ester, and CAS No.67784-80-9. Material Safety Data Sheets received by this office show a boiling point of >400° F and a flash point of 321° F PMCC. The MSDS shows Biodiesel is not regulated by USDOT as a hazardous material.

Diesel fuel/fuel oils blended with the Biodiesel material are shipped at several different blending rates. B-2 is 2% Biodiesel and 98% fuel oil/diesel fuel. B-20 is 20% Biodiesel and 80% fuel oil. Data received by my office indicates the blended products have flash points that would make them flammable liquids or combustible liquids by USDOT definitions.

The fuel oils and Biodiesel are splash blended and then distributed. My office has information that some of the blended products are being shipped and transported with shipping papers showing a hazardous materials description for diesel fuel or fuel oil on the first line, and the entry Biodiesel or Fatty acid esters on a second line. There is no indication on the document that the product is a blend of the two materials. The blended materials are shipped and transported in cargo tanks.

If the blended materials are a solution of a hazardous material and a non-hazardous material, should the proper shipping name be diesel fuel solution or fuel oil solution, as required in 49 CFR 172.101 (c) (10)?

Most gasoline offered for sale in Minnesota is required to be at least 10% denatured ethanol by volume. The hazardous materials table assigns the proper shipping name Gasohol to gasoline mixed with not more than 20% ethyl alcohol. Is Gasohol the required name for this material, or can the shipper identify it as Gasoline on a hazardous materials shipping paper?

Thank you for your assistance.



Michael Ritchie
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