

U.S. DOT and Transport Canada Provide Relief from Sanitizer and Disinfectant Transportation Regulations

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Companies shipping alcohol-based hand sanitizers and disinfectants in response to the COVID-19 public health emergency should be aware that such shipments are subject to regulation as hazardous materials, but steps have been taken to ease these regulatory burdens.

The relevant regulations come from the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and Transport Canada, the parallel regulatory agency to the north. As a general matter, those regulations govern the transport of alcohol-based hand sanitizer products as Class 3 flammable liquids, which mandate that:

- Employees are trained in accordance with the applicable regulations,
- Packages meet certain size and testing specifications,
- Packages carry the required hazard markings and labels, and
- Shipping documents accompany each consignment.

But on April 10, PHMSA issued a *"Temporary Policy for the Transportation of Certain Alcohol-Based Hand Sanitizer Products During the Public Health Emergency (COVID-19)."* The Temporary Policy includes relief from many of the requirements listed above provided the products are shipped by motor vehicle and prepared in accordance with guidance issued by the Food and Drug Administration.

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Practice Areas

Environment & Product Regulation
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Transport Canada has issued a similar document, known as "Temporary Certificate No. 0752," that provides relief from the Agency's Transportation of Dangerous Goods Regulations.

These actions suspend many of the regulatory requirements for packages of alcohol-based hand sanitizer products in small containers. For example, PHMSA has dropped (for the moment) nearly all of the regulatory requirements for alcohol-based hand sanitizer products in inner packagings not exceeding one gallon provided the net contents of all inner packagings in any single outer packaging does not exceed 8 gallons (e.g., 8 x 1 gallon receptacles in a single fiberboard box). However, it does require the company name and the words "Sanitizer - Contains Ethyl Alcohol" or "Sanitizer - Contains Isopropyl Alcohol" on each package.

Similarly, Transport Canada's Temporary Certificate provides relief for inner packagings up to 1.3 gallons (5 liters) in outer packages weighing no more than 66 pounds. That Agency also has authorized several different package markings (e.g., "Hand sanitizer - flammable") or the Class 3 flammable hazard label.

The U.S. DOT's Temporary Policy and Transport Canada's Temporary Certificate provide more relief than just the two packaging examples listed above. For more information, contact George Kerchner at gkerchner@wiley.law or consult the U.S. DOT's website and Transport Canada's website.

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