



September 27, 2022

Mr. Christopher M. Thiemann
Regulations and Rulings Division
Tax and Trade Bureau
1310 G Street, N.W., Box 12
Washington, D.C. 20005

Re: Notice No. 213/Notice of Proposed Rulemaking: Proposed Addition of American Single Malt Whisky to the Standards of Identity for Distilled Spirits (87 Fed. Reg. 45727 (July 29, 2022))

Dear Mr. Thiemann:

On behalf of the Distilled Spirits Council of the United States (DISCUS) and the American Single Malt Whiskey Commission (ASMWC), a national association representing nearly 100 producers of American Single Malt Whiskey across the United States, we once again commend the Bureau for listening to industry calls and releasing this “Addition of American Single Malt Whisky to the Standards of Identity for Distilled Spirits” notice of proposed rulemaking. Our Associations greatly welcome the opportunity to provide our collective views in response to the Bureau’s proposal to develop a standard for this growing category.

DISCUS and ASMWC are in complete agreement on the critical need to establish this American Single Malt Whisky standard of identity and urge the Bureau to move quickly to adopt the new regulations. Despite a few differences included in our respective comments, we are aligned that the eventual American Single Malt Whisky standard should: (1) be distilled from 100% malted barley; (2) allow for the ability for producers to create brands in this category that are distilled from grains other than barley, provided that those grains are clearly denoted on the label (e.g., American Single Malt Rye Whisky); (3) incorporate a 700-liter oak barrel limit; (4) allow the use of used, uncharred new, and charred new oak barrels; and (5) prohibit the use of harmless flavoring, coloring, and blending materials.

As previously conveyed, we believe that, by securing a formal Standard of Identity for American Single Malt Whisky, consumers will benefit from a clear definition of what constitutes a single malt whisky produced in the U.S., resulting in global growth and the development of yet

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another sought after American whiskey product to compete in both domestic and international markets. This new standard will establish trust in the category, clarify label declarations, and equip consumers with the necessary information to make informed purchasing decisions. Establishing this definition will also place an important marker down around the industry that will inspire competition between all tiers of producers, as they seek to innovate and create the next great American Single Malt Whisky brand.

The formal establishment of this category will also signal to the world that not only do we trust in and support our own distilleries, but we recognize that American Single Malt Whisky is as unique as other American staples, such as Bourbon, and deserves to be similarly defined, recognized and protected. As DISCUS and ASMWC seek to promote the protection of this category through free trade agreements with nations around the world, having an established definition in the U.S. is imperative for the development of greater international recognition and protection going forward.

We look forward to working with the Bureau in this important matter as it develops. Please do not hesitate to contact us if we can be of any assistance through this process.

Sincerely,



Courtney Armour
Chief Legal Officer
Distilled Spirits Council of the U.S.



Steve Hawley
President
American Single Malt Whiskey Commission