



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

MAR 26 2002

Mr. Ed Gresham
Fire Extinguisher Service & Sales
1622 Edwards Road
Pineville, LA 71360

Ref. No.: 01-0118

Dear Mr. Gresham:

This is in response to your May 11, 2001, letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to cylinders used as fire extinguishers under DOT Exemption; E-8840. This exemption authorizes the manufacture, mark and sale of certain non-DOT specification cylinders constructed to the DOT 3AL specification with certain exceptions, for transportation in commerce of certain Division 2.2 gases.

I apologize for the delay in responding to your inquiry and hope that it has not caused you any inconvenience. Your questions are paraphrased and answered below.

- Q1. Can DOT-E 8840 cylinders used in kitchen fire suppression systems remain in service as a fire suppression system cylinder after the expiration date of the DOT-E 8840 exemption?
- A1. Cylinders that are used on-site and not offered for transportation come under the jurisdiction of the Department of Labor's Occupational Safety and Health Administration (OSHA). You should contact OSHA or your state or local agency for information concerning such cylinders.
- Q2. Can these cylinders be retested and recharged when needed?
- A2. The answer is yes, the cylinders may be retested and refilled in accordance with the applicable requirements.
- Q3. At what intervals are DOT cylinders used as fire extinguishers required to be tested?



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173.34

A3. As stated in paragraph (g) of DOT-E 8840, the cylinders are to be retested at least once every five years in accordance with 49 CFR 173.34(e) as prescribed for DOT 3AL specification cylinders.

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,



Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

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1622 Edwards Road
Pineville, LA 71360
318-640-8966

BeHs
\$173.34
Retest
Cylinders
01-0119

Edward Mazzulo
Dir. Office of Hazmat standards
US DOT-RSPA "DIIM10"
400 7th St. SW
Washington, DC 20590-0001

From Ed Gresham
Fire Extinguisher Service & Sales
1622 Edwards Road
Pineville, LA 71360
DOT # 581

May 11, 2001
Ref. DOT 8840

Dear Sir,

I am requesting written clarification concerning DOT E cylinders used in Kitchen *Restaurants* fire suppression systems. This is a on going matter of confusion and hostile debates in this area of the country.

Concerning DOT E 8840

Yes (1) aside from the transportation in commerce of these cylinders may they stay in service as a fire suppression system cylinder after the expiration date of the DOT F 8840 exemption.

Yes (2) If so, may they be recharged if needed and re tested when needed.

Yes (3) Concerning any cylinder (DOT) cylinder used as a fire extinguisher at what intervals is the re test needed . 12 years as stated by NFPA 10 & 17A or DOT standards referring to the transportation in commerce.

I thank you in advance for your help in this matter. All concerned here seem to have a different opinion of the meaning and interpretation of the codes.
again Thanks

Sincerely
Ed Gresham

Ed Gresham

*Non-specified in accordance with 29 CFR 1910.176(e)
Specified in accordance with 175.34(e)*