



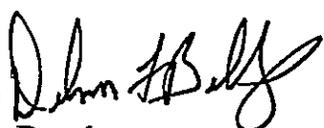
U.S. Department
of Transportation
**Research and
Special Programs
Administration**

Memorandum

Date **OCT 2 2002**

Reply to Attn of:

Subject Request for Interpretation

From Delmer Billings 
Chief, Standards Development

Ref. No. 02-0149

To Doug S. Smith
Enforcement Officer
Office of Hazardous Materials Enforcement

This is in response to your March 29, 2002 e-mail, asking whether a hazardous material classified as Fire Extinguisher 2.2, UN 1044 conforming to 49 CFR § 173.309 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 - 180) meets the definition of limited quantity in § 171.8. Further you asked whether a Specification DOT-39 cylinder is allowed to be used as a fire extinguisher under the provisions in § 173.309(a).

Your questions are paraphrased and answered as follows:

Q. Can a hazardous material classified in accordance with § 172.101 Hazardous Material Table as "Fire Extinguisher, 2.2, UN1044" be considered a limited quantity under the HMR and therefore excepted from the emergency response telephone number requirement under § 172.604?

A. The requirements for shipping fire extinguishers are found in § 173.309(a). In order to qualify under the limited quantity provision, a fire extinguisher must fully meet the limited quantity requirements contained in § 173.309(a) through 173.309(a)(3)(iv). If the container is packaged and offered for transportation in accordance with § 173.309 (a) through 173.309(a)(3)(iv) the limited quantity provision applies, and the package is excepted from the emergency response telephone number requirement in § 172.604.

Q. If a fire extinguisher is packaged and offered for transportation under the limited quantity provision in § 173.309 (a) must the description on the shipping paper include the words "Limited Quantity" or "Ltd Qty" as specified in § 172.203(b)?

A. Yes. Section 172.203(b) requires offerors of hazardous materials as limited quantities, including fire extinguishers, to include the words "Limited Quantity" or "Ltd Qty" following the basic description on the shipping paper.

Q. If a fire extinguisher is charged with a compressed gas to 240 psi and exceeds 7.22 cubic inches in capacity does the provisions under § 173.306 for limited quantity of compressed gases apply?

A. Section 173.306 is not referenced in the Hazardous Materials Table, §172.101 for Fire Extinguishers, therefore, § 173.309 applies.

Q. Are used specification DOT 39 cylinders authorized for use as fire extinguishers under 173.309(a)?

A. The HMR does not authorize the reuse of specification DOT 39 cylinders as fire extinguishers under § 173.309.

Q. If a DOT specification cylinder is charged with a nonflammable gas (e.g. Nitrogen) to 240 psi and contains a bladder with non-hazardous material is the material described as Fire Extinguisher 2.2, UN1044 or Nitrogen, compressed, 2.2. UN1066?

A. Provided that the extinguishing agent and expellant gas source (e.g. Nitrogen, compressed) is within the same containment vessel, the proper shipping description is "Fire Extinguisher 2.2, UN1044".

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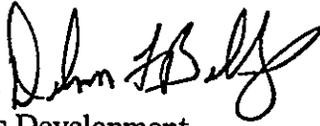
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#

Webb, Sandra

Webb
§ 172-203
§ 173.309

From: Smith, Doug S.
Sent: Friday, March 29, 2002 7:53 AM
To: Webb, Sandra
Cc: Abbenhaus, Colleen (DHMTRTN); Derwey, Daniel (DHMTRTN)
Subject: FW: Fire extinguishers

Cylinders
02-0149

Per our earlier conversation, OHME would really appreciate your input on the "used spec DOT-39's for fire extinguishers" questions posed by Dan and Colleen. Thanks in advance, Sandra, for any assistance you can provide.

-----Original Message-----

From: Abbenhaus, Colleen (DHMTRTN)
Sent: Wednesday, March 20, 2002 10:41 AM
To: Webb, Sandra; Hochman, Charles
Cc: Derwey, Daniel (DHMTRTN); Smith, Doug S.
Subject: FW: Fire extinguishers

I also have some questions I want to add to this.

Section 173.309 allows the use of non-spec cylinders for fire extinguishers, as long as they meet the requirements specified. The company meets the requirements specified for non-spec cylinders listed in Section 173.309, but are using DOT 39's. They are also testing the cylinders as specified in 173.309(a)(3)(iii) prior to reuse.

1. Can they use a DOT 39 for fire extinguishers.
2. Can they test and then refill DOT 39's, as specified in Section 173.309, even though DOT-39's are not authorized to be refilled.

Also, the DOT specification 39 cylinder is filled with nitrogen to 240 psi. The cylinder also has a bladder filled with inert materials. Can the cylinder be classed and shipped as a fire extinguisher as specified in Section 173.309, or should it be shipped as nitrogen since that is the only hazardous material and the non hazardous material is not mixed with the nitrogen.

-----Original Message-----

From: Derwey, Daniel (DHMTRTN)
Sent: Tuesday, March 19, 2002 3:19 PM
To: Webb, Sandra
Cc: Abbenhaus, Colleen (DHMTRTN); Michalski, Chris (DHMTRTN)
Subject: Fire extinguishers

Sandra I have a question regarding fire extinguishers that meets the requirements of 173.309 and are offered for transportation accordingly.

Would fire extinguishers. 2.2, UN1044 be considered a limited quantity, and therefore excepted from the emergency response telephone number requirement? Additionally, if considered a limited quantity would the shipping papers need to indicate that the material is offered as a limited quantity in accordance with §172.203(b)?

Section 172.604(c)(1) excepts hazardous materials that are offered for transportation under the provisions applicable to limited quantities from the emergency response telephone number requirement. Section 171.8 defines a limited quantity as; limited quantity, when specified as such in a section applicable to a particular material, means the maximum amount of a hazardous material for which there is a specific labeling or packaging exception. In Subpart G, §173.309 does provide specific labeling and packaging exceptions for compressed gases. However, the exceptions for hazard classes 3, 4, 5.1, 5.2, 6.1, 8, 9 and ORM are listed in Subpart D. Section 173.306 lists the limited quantity exceptions for compressed gases. However, column 8 of the 172.101 table does not reference 173.306 for UN1044. Additionally, in my opinion 173.306 would not apply as the cylinders in the shipment that I am reviewing exceed 7.22 cubic inches, and they are charged to 240 psi.

Dan

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§ 172-203
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Dan

Digitai photo
obtained from inspector



