



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

JAN 14 2009

Ms. Kelsey Stratton
President and Founder
G02 LLC
P.O. box 5633
Breckenridge, CO 80424-5633

Ref. No.: 08-0261

Dear Ms. Stratton:

This responds to your letter regarding the exceptions in § 175.10 under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they apply to canned oxygen, described as "Oxygen POD".

You stated that your company's product, "Oxygen POD", contains 2 liters of 95% oxygen and 5% ambient air in an aluminum canister with a standard aerosol valve. The canister is filled to a pressure of 160 psi. The product is used solely for personal use and recreational purposes and is classified and described as "Compressed, gas oxidizing, n.o.s., 2.2, UN3156". Specifically, you ask whether, for personal use, oxygen in an aluminum canister with a standard aerosol valve, similar to other aerosol products (e.g., hair spray), can be carried in carry-on or checked baggage for transportation by aircraft.

The requirements in § 175.10(a)(1) and (2) specify that non-radioactive medicinal and toilet articles for personal use (including aerosols) may be carried in carry-on and checked baggage, and other aerosols in Division 2.2 (non-flammable gas) with no subsidiary risk may be carried in checked baggage. Under the HMR, aerosol means any non-refillable metal receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas. It is our opinion that because your product, "Oxygen POD" (canned oxygen) does not meet the definition in §171.8 for an aerosol and has a subsidiary hazard of oxidizer, it may not be shipped on aircraft in carry-on or checked baggage in accordance with the exceptions in § 175.10.

A hazardous material described as "Compressed, gas oxidizing, n.o.s., 2.2, UN3156" may be shipped as cargo on passenger-carrying and cargo-only aircraft. The maximum quantity per package is 75 kg for passenger-carrying aircraft and 150 kg for cargo-only aircraft. The technical name of the hazardous material must be entered in parentheses in association with the basic description on the shipping paper (See 173.203(k)). Under Special Provision A14,

“Compressed, gas oxidizing, n.o.s., 2.2, UN1956” is not authorized to be transported as a limited quantity or consumer commodity in accordance with § 173.306 when transported aboard an aircraft.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is written in a cursive style with a large, stylized initial "C".

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Ave, SE East Building, 2nd Floor
Washington, DC 20590

Engrum
§175.10
Air Exceptions
08-0261

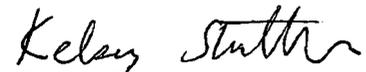
October 9, 2008

Dear Mr. Mazzullo,

Please assist me with an interpretation of 49 CFR 175.10 with regard to my company's canned oxygen product: Oxygen POD. A POD contains 2 liters of 95% oxygen and 5% ambient air in an aluminum canister with a standard aerosol valve. The canister is filled to a pressure of 160 psi. The product is used solely for personal use and recreational purposes and is classified as UN3156. Although this is oxygen, it is such a small volume of oxygen and is used for personal use, similar to other aerosol products like hair spray. Will you please interpret this section of regulations for me to determine whether a POD can be carried in carry-on or put in checked baggage?

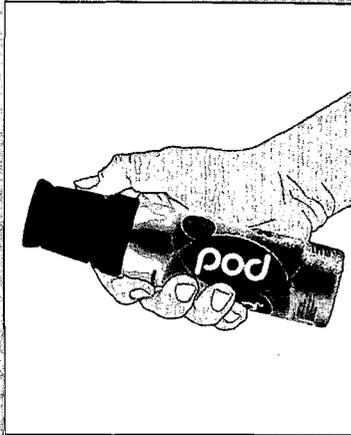
Please let me know if you have any questions about the product in order to respond.

Many Thanks,


Kelsey Stratton
President and Founder

GO2 LLC
P.O. Box 5633
Breckenridge, CO 80424-5633
www.oxygenpod.com
E-Mail: Kelsey@oxygenpod.com
Office: 617-680-0499

How to Use a POD



hold



place



twist & inhale

The POD Story

Founded in 2004, the team of athletes at GO₂ has developed the world's first portable oxygen device with its unique patent pending oxygen distribution method.

At GO₂ we develop and manufacture our product in the US and distribute it through high quality retailers across the country and internationally with our secure online ordering system.



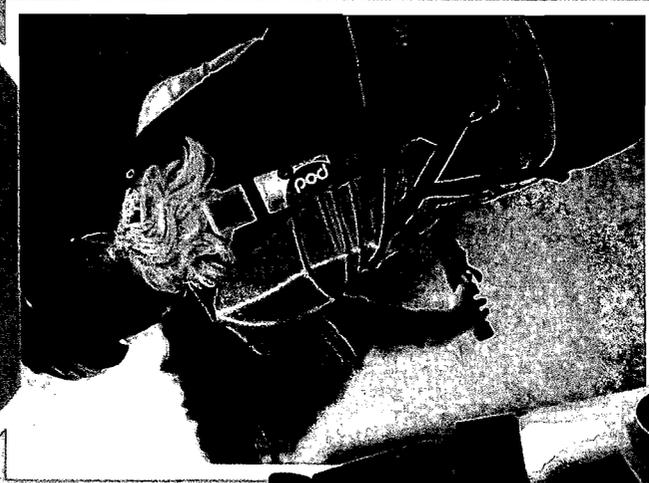
GO2 LLC
P.O. Box 5633
Breckenridge, CO 80424-5633

Phone: 617-680-0499

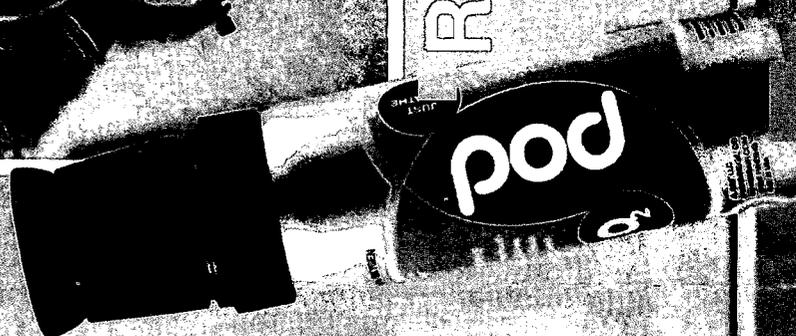
Email: info@oxygenpod.com

pod™

personal oxygen device



Recharge Revive Relax

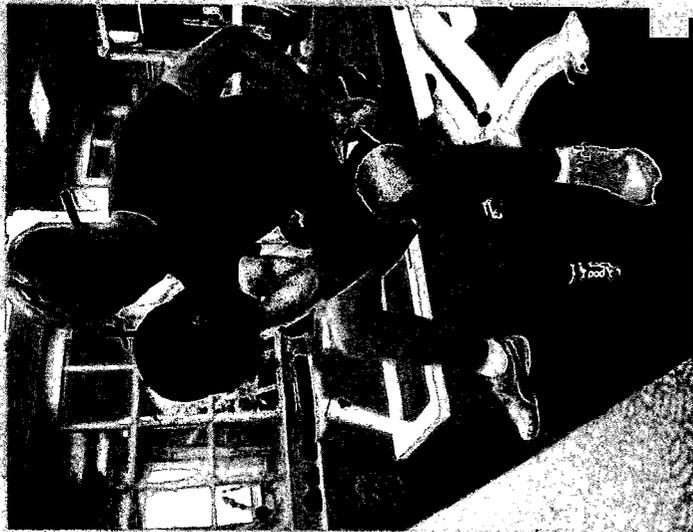


40-50 breaths in each POD™

oxygenpod.com

95% pure oxygen

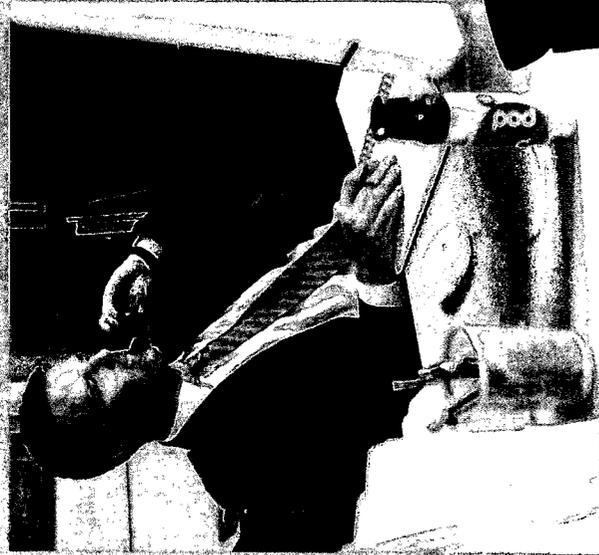
Recharge



You're looking for the competitive edge, something to propel you through the last mile on your run, up the final climb on your hike or past the remaining marker on your bike race. A breath of pure oxygen will give you the extra energy you need! The 95% oxygen contained in the POD™ energizes tired muscles, stimulates brain activity and fuels the heart.

Get ready to treat your body to the POD™: your source of fresh, oxygenated energy.

Revive



Tired at work and need a pick-me-up? Feeling like you're breathing polluted air in the city around you? Reduced oxygen levels in the brain from circulated air or pollution can result in decreased concentration, greater forgetfulness, mood swings, and even depressive thoughts. A breath of fresh recreational oxygen from a POD™ will revive your mind, maintain energy levels and promote alertness while at work.

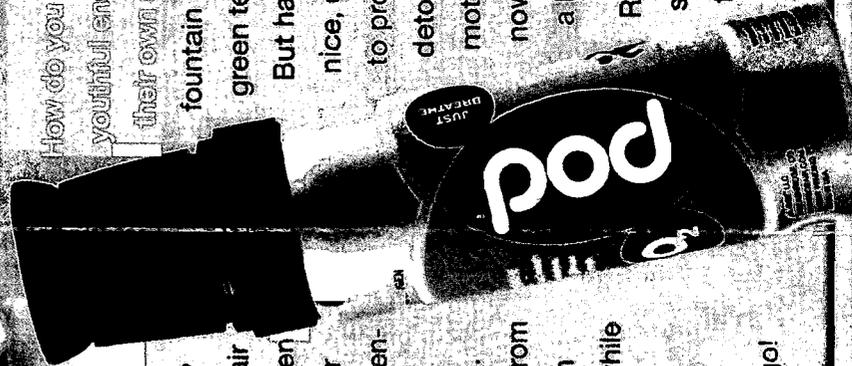
Revive yourself with a breath of fresh energy from a POD™: oxygen-on-the-go!

Relax



How do you avoid gradually kissing your youthful energy goodbye? Everyone has their own strategy for maintaining the fountain of youth: regular exercise, green tea, yoga and a cleansing diet. But have you ever considered a few nice, deep breaths of pure oxygen to promote relaxation and detoxification? Like a sip of mother earth's finest nectar, it is now in ready supply—just grab a POD™.

Rejuvenate your body and soul with pure oxygen therapy from the POD™.



Oxygen is the elixir of life.

It supercharges muscles, revives tired bodies and rejuvenates the mind.