

NATIONAL
Aquaculture
ASSOCIATION

April 14, 2025

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590
Email: shane.kelley@dot.gov

RE: 49 CFR 173.320 (b)(2) Interpretation Letter

Dear Mr. Kelley:

The National Aquaculture Association¹ respectfully requests an interpretation letter that will be shared with the transporters of live farmed fish who travel across the United States utilizing oxygen to aerate tanks containing fish destined for seafood markets, retail bait or aquarium stores, or for the control of nuisance aquatic plants.

Occasionally state agencies stop these trucks and question whether oxygen bottles are subject to Hazardous Materials



Regulations. In the past, interpretation letters have been provided by your predecessors to inform law enforcement 49 CFR 173.320 (b)(2) describes an exemption. Enclosed is the most recent letter dated 2010.

The letter is 15 years old. Last week the Arizona Highway Patrol Division questioned its relevance. A current dated letter would resolve this challenge.

Your timely assistance will be greatly appreciated. If you should have questions, please do not hesitate to contact us.

Sincerely,

Sebastian Belle
President

¹ The [National Aquaculture Association](http://nationalaquaculture.org) (NAA) is a U.S. producer-based, non-profit trade association founded in 1991 that supports the establishment of governmental programs that further the common interest of our membership, both as individual producers and as members of the aquaculture community. For over 34 years NAA has been the united voice of the domestic aquaculture sector committed to the continued growth, creating a business climate conducive to our success, and fostering cost-effective environmental stewardship and sustainability.