

From: [Baker, Yul \(PHMSA\)](#)
To: [Pollack, Arthur \(PHMSA\)](#)
Subject: FW: Request for Official Letter of Interpretation
Date: Thursday, April 24, 2025 11:54:25 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[SP-10704 New 2017.pdf](#)

Thank you,

Mr. Yul Brenner Baker Jr.
Transportation Regulations Specialist, Standards Development

USDOT, PHMSA
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave, SE, Washington, DC, 20590
Office number: 717-688-9977

From: Dodd, Alice (PHMSA) <Alice.Dodd@dot.gov>
Sent: Thursday, April 24, 2025 11:48
To: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Subject: FW: Request for Official Letter of Interpretation

From: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Sent: Wednesday, April 23, 2025 11:46 AM
To: Hazmat Interps <hazmatinterps@dot.gov>
Subject: FW: Request for Official Letter of Interpretation

Hello Hazmat Interps,

Please see attached and below request for letter of interpretation.

Thanks,
Jonathon

From: Rob Neuner <rob@boostoxygen.com>
Sent: Wednesday, April 23, 2025 10:03 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Request for Official Letter of Interpretation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi- My question, name and number was included my previous email, but I will restate here. Hope to hear back from you soon:

1. Does the Department of Transportation (DOT) have regulatory and/or enforcement authority over the United States Postal Service (USPS) in regards to the filling and shipment of our Oxygen canisters?
2. My question for interpretation is, could my company be fined by the DOT if we fully complied with the USPS regulations, but not DOT regulations, and only shipped via U.S. Parcel Service Ground Advantage (no private or other carriers) at that lesser pressure (2Q cans = 160 – 180 psi) ?

There is a significant discrepancy between what is allowed to be filled and shipped by the DOT and what is allowed to be filled and shipped by the USPS in terms of canisters to be used (seamed vs. seamless) and pressure ratings.

You can read below for context.

Thank you,

Rob Neuner
CEO
Boost Oxygen , LLC
125 Old Gate Lane
Milford, CT 06460
Tel (203) 619-3616

Original Letter:

From: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

Sent: Tuesday, April 22, 2025 11:16 AM

To: Rob Neuner <rob@boostoxygen.com>

Subject: Automatic reply: Request for Official Letter of Interpretation

Thank you for contacting the HAZMAT Info Center (HMIC) within the Pipeline and Hazardous Materials Safety Administration (PHMSA). The HMIC assists with the use of the Hazardous Materials Regulations (HMR), and provides other services as noted on our website (click [here](#)). The information center is staffed Monday through Friday, 9am-5pm EST. This email acknowledges receipt of your inquiry.

To better assist you, we ask that you provide your name, a phone number, and a detailed question or concern. You may respond to this email or contact the HMIC by phone at +1 (800) 467-4922 or +1 (202) 366-4488.

Regards,

HazMat InfoCenter Team

April 22, 2025

To Whom It May Concern:

We have a conundrum which we would like an official letter of interpretation so we continue to comply with the laws of shipping.

My company, Boost Oxygen, manufacturers, sells and ships compressed Oxygen gas in aluminum seamless 2Q containers in compliance with our Special Permit 10704. (attached here).

Competitors are popping up shipping in seamed steel containers under pressure (170psi) in violation of the Special Permit and also the CFR (49 CFR 173.1, 173.2, 173.3 and others) , but using the U.S. Postal Ground Service to do so, as the USPS regulations differ slightly from the DOT regulations, and they allow seamed 2Q containers. The USPS response is included below my signature line.

So my question for interpretation is, could my company be fined by the DOT if we complied with the USPS regulations, but not DOT regulations, and only shipped via U.S. Parcel Service Ground Advantage (no private or other carriers) at that lesser pressure (2Q cans = 160 – 180 psi) ? Essentially, does the DOT have regulatory authority over the USPS in this case? Or no regulatory authority?

According to the USPS below, the 2Q seamed can is permitted to be shipped legally at those pressures by the USPS.

Obviously, we want to continue to comply fully. But if competitors are able to legally have a cost advantage (steel is less expensive than aluminum), we would want to reserve the ability to match this. If not, then we would ask for enforcement action.

Thank you for your time and assistance here, our address and the USPS response are below.

Sincerely,

Rob Neuner
CEO

USPS Response:

The product 'Boost Oxygen' is a nonflammable gas mailable in domestic mail; it is permitted with restrictions via air transportation and permitted via surface transportation. The mailer must follow USPS Packaging Instruction 2B (http://pe.usps.gov/text/pub52/pub52apxc_005.htm#ep999646). **Please note that a container with an internal pressure more than 180 psig at 130°F (55°C) is prohibited from mailing.**

If the container meets all requirements for packaging explained in USPS Packaging Instruction 2B (including internal pressure) the piece will be mailable via air transportation (First-Class Mail or Priority Mail prices) or via surface transportation ((USPS Marketing Mail, USPS Ground Advantage)

12. ECOLOGICAL INFORMATION

Toxicity	Oxygen occurs naturally in the atmosphere. The gas will be dissipated in rapidly in well ventilated areas.
Ecotoxicity	The environmental impact of this product has not been fully investigated.
Persistence and degradability	No information available.
Bioaccumulation potential	No information available.
Mobility	No information available.
Other adverse effects	No information available.

13. DISPOSAL CONSIDERATIONS

Waste treatment methods

Waste from residues/unused products	Dispose of content and/or container in accordance with local, regional, national, and/or international regulations.
Contaminated packaging	Dispose of content and/or container in accordance with local, regional, national, and/or international regulations.
US EPA Waste Number	D001
California Waste Codes	141

14. TRANSPORT INFORMATION

DOT

UN-No.	UN1950
Proper Shipping Name	AEROSOLS
Hazard Class	2.2
Subsidiary class	5.1
Packaging Group	LTD-QTY
Description	UN1950, AEROSOLS, 2.2 (5.1), LTD- QTY
Emergency Response Guide Number	122

3. COMPOSITION/INFORMATION ON INGREDIENTS

Substance

Com					
Chemical Name	Identifiers	%	LD50/LC5	Classifications According to Regulation/Directive	Comment
Oxygen	CAS:7782-44-7 EC Number:231-956-9	> 95.0%	NDA	EU DSD/DPD: Annex I - O; R8 EU CLP: Annex VI - Ox. Gas 1 H270; Press. Gas - Comp., H280 OSHA HCS 2012: Ox. Gas 1; Press Gas. - Comp.	NDA
Maximum Impurities		< 0.5%		WHMIS: EU DSD/DPD : EU	NDA

Mixture

The product contains no substances which at their given concentration, are considered to be hazardous to health.

9. PHYSICAL AND CHEMICAL PROPERTIES

Material Description			
Physical Form	Gas	Appearance/ Description	Colorless, odorless gas
Color	Colorless	Odor	Odorless
Odor Threshold	Data Lacking		
General Properties			
Boiling Point	-183 C (-297.4 F)	Melting Point	-218.8 C (-361.84 F)
Decomposition Temperature	Data Lacking	pH	Data lacking
Specific Gravity/ Relative Density	1.105 Water= 1 @ 21.1 C (69.98 F)	Density	1.326 kg/m ³ @32 F (0 C)
Water Solubility	0.0491 % @ 0 C (32 F)	Viscosity	Not Relevant
Explosive Properties	Data Lacking	Oxidizing Properties	Oxidizing gas
Volatility			
Vapor Pressure	2L-260 psig, 5L/ 10L- 215 psig	Vapor Density	1.105 Air= 1
Evaporation Rate	Not Relevant		
Flammability			
Flash Point	Not Relevant	UEL	Not Relevant
LEL	Not Relevant	Autoignition	Not Relevant
Flammable (Solid, gas)	Not Flammable		
Environmental			
Octanol/ Water Partition coefficient	Not Relevant		

342.2 Mailability

342.21 General

The following conditions apply to the mailing of gases:

1. *International Mail.* All gases are prohibited.
2. *Domestic Mail via Air Transportation.* Flammable gases in Division 2.1 and toxic gases in Division 2.3 are prohibited. **Nonflammable gases in Division 2.2 are generally permitted if the material can qualify as a ID8000 material (see 335) and meet the quantity limitations and packaging requirements in 342.3 and 342.4.**
3. *Domestic Mail via Surface Transportation.* Toxic gases in Division 2.3 are prohibited. Flammable gases in Division 2.1 and nonflammable gases in Division 2.2 are generally permitted if the material can qualify as a Limited Quantity surface material and meet the quantity limitations and packaging requirements in 342.3 and 342.4.

According to Pub. 52. 342.23 Mailable Gases

The following are examples of mailable gases:

Oxygen, Compressed. Oxygen (UN1072) is a Division 2.2 nonflammable gas and is acceptable in domestic mail only if it can qualify as a Limited Quantity material. The requirements in 342.3 and Packaging Instruction 2B in Appendix C must be followed.

The main differences between UN1072 and UN1950 products are:

- UN1072 refers to a material that is forbidden in transportation, while UN1950 refers to aerosols, non-flammable, each not exceeding 1 L capacity.
- UN1072 has a hazard class, while UN1950 does not.
- UN1072 has a proper shipping name, while UN1950 does not.

USPS Packaging Instruction 2B

Nonflammable Gases

A Class 2, Division 2.2 nonflammable gas that qualifies as a Limited Quantity air or Limited Quantity surface material is mailable provided that all applicable requirements in [342](#) are met and it is properly packaged as follows.

Proper Shipping Name

- Consumer Commodity.

ID Number

- Various (see Appendix [A](#)).

Mailability

- International Mail: Prohibited.
- Domestic Mail: Permitted with restrictions via air transportation and permitted via surface transportation.

Required Packaging

Primary Receptacle(s)

- The capacity of an other-than-metal (nonmetal) primary receptacle must be 4 fluid ounces (7.22 cubic inches) or less per mailpiece.
- The capacity of a metal primary receptacle must be 33.8 fluid ounces (1-liter or 61.0 cubic inches) or less.
- The liquid content of the material and the gas must not completely fill the primary receptacle at 130° F.
- A DOT 2P container must be used if the internal pressure is from 140 psig to 160 psig at 130° F (55° C). A DOT 2Q container must be used if the pressure is from 161 psig to 180 psig at 130° F (55° C).
- A container with an internal pressure more than 180 psig at 130° F (55° C) is prohibited from mailing.

- The primary receptacle(s) must be packaged to protect valves and fittings and to ensure integrity during transport.
- The primary receptacle(s) must have a recessed valve, screw-thread cap, tap closure, or other means to prevent accidental discharge.

Cushioning Material

- Sufficient cushioning material must surround the primary receptacle to absorb shock and prevent damage.

Outer Packaging

- Strong outer packaging that is capable of firmly and securely holding the primary receptacle(s) and cushioning material is required.
- Multiple primary receptacles may be securely packed within a single strong outer packaging.
- Each mailpiece must not exceed a total weight of 25 pounds.

Marking

The following labels and text markings must be placed on the address side of the mailpiece unless specified in [221.1](#) and [325.1](#).

- **For air transportation**, mailpieces must bear the DOT Limited Quantity air mark (with the symbol "Y" in the center), an approved DOT Class 9 hazardous material warning label, Identification Number "ID8000," and the proper shipping name "Consumer Commodity."
- **For surface transportation**, the outer packaging must bear an approved DOT Limited Quantity ground mark designating surface transportation, prepared under [342.4c](#). Markings must be durable, legible, and readily visible, and must be applied on at least one side or one end of the outer packaging. The border forming the square-on-point must be at least 2 mm in width, and the minimum dimension of each side must be 100 mm, unless the package size requires a reduced size marking of no less than 50 mm on each side.
- A complete return and delivery address must be used.

AIR

SURFACE



HAZMAT – Limited Quantity Marks

Ground / Surface Only



Air and Ground Eligible



Documentation

- For air transportation, a mailable, nonflammable gas must have a properly completed shipper's declaration for dangerous goods prepared in triplicate and affixed to the outside of the mailpiece.

342.5 Mailability Rulings

In addition to the information required in [215.2](#) and [324](#), requests for mailability rulings on gases and products containing compressed gases need to include the following information:

1. Documentation indicating whether or not the contents are a flammable mixture when dispersed.
2. The internal pressure within the primary receptacle at 70° F (21° C) and 130° F (55° C).
3. Documentation as to whether or not the liquid contents completely fill the container at 70° F (21° C) and 130° F (55° C).
4. The bursting strength of the primary receptacle.
5. The capacity of the primary receptacle and the number of primary receptacles proposed to be packed within a single mailpiece.
6. The design methods intended to prevent accidental discharge of the contents.

DMM 601.1.5 states:

1.5 Mailer's Responsibility

It is the mailer's responsibility to refrain from depositing nonmailable matter in the mail. The mailer must comply with applicable postal laws and regulations governing mailability and preparation for mailing, as well as nonpostal laws and regulations on the possession, treatment, transmission, or transfer of particular matter. Information about USPS standards is available from postmasters, business mail entry managers, and the PCSC manager (see [608.8.0](#)).

If you have any questions, please contact me.

Aundreau J. Anthony
Classification Specialist | Pricing and Classification Service Center | 90 Church St Suite 3100 | New York, NY 10007-2951 | Aundreau.J.Anthony@usps.gov

From: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

Sent: Tuesday, April 22, 2025 1:49 PM

To: Rob Neuner <rob@boostoxygen.com>

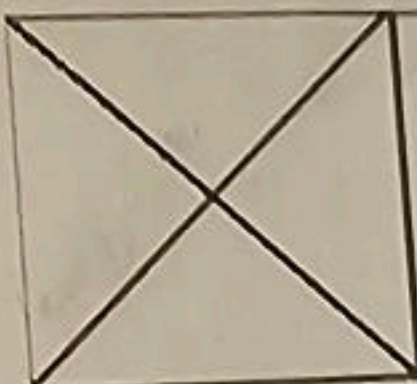
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To better assist you, we ask that you provide your name, a phone number, and a detailed question or concern. You may respond to this email or contact the HMIC by phone at +1 (800) 467-4922 or +1 (202) 366-4488.

Regards,

HazMat InfoCenter Team



PARCEL SELECT
U.S. POSTAGE PAID
WASHINGTON DC
PERMIT NO. 3024
USPS Ship

USPS PARCEL SELECT

TINA JL
13140 ALONDRA BLVD
CERRITOS CA 90703



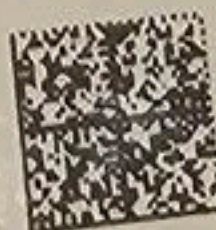
SHIP TO: LYNN NEUNER
LYNN NEUNER
558 HOYT ST
DARIEN CT 068202014

USPS TRACKING # USPS ship



9261 2903 0323 8854 3402 5177 64

MMTD #: 803363209717343589
PACKAGE ID #: HWCIS2423105766



Ref1: HWCIS2423105766
Reference No. 3: JL-WMS-G7YM

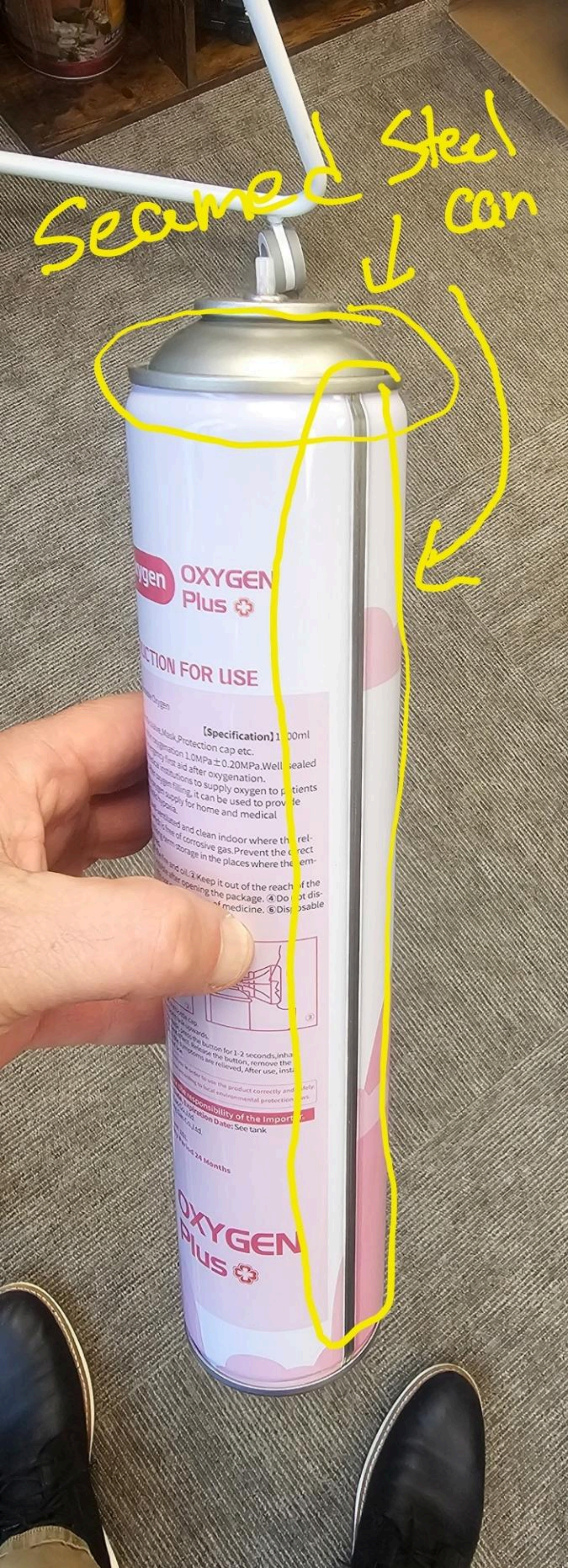


Part # 156697-434 RR DB EXP 10/25

Reference No. 4: IJ-PX4E-F9D6(1)

IJ-PX4E-F9D6(1)

Seamed Steel can



Oxygen Plus

OXYGEN Plus

INSTRUCTIONS FOR USE

[Specification] 1000ml

Respiration 1.0MPa±0.20MPa. Well sealed

Emergency first aid after oxygenation.

Local institutions to supply oxygen to patients

Oxygen filling, it can be used to provide

Supply for home and medical

ventilated and clean indoor where the rel-

Close of corrosive gas. Prevent the direct

Storage in the places where the em-

and oil. 2. Keep it out of the reach of the

opening the package. 4. Do not dis-

of medicine. 6. Disposable

OXYGEN Plus