



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 26 2019

1200 New Jersey Avenue, SE
Washington, DC 20590

John Christopher
801 North 4th St #302
Wilmington, NC 28401

Reference No. 19-0017

Dear Mr. Christopher:

This letter is in response to your January 28, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding filling and transporting a non-DOT specification cylinder as a private individual for personal use. Specifically, you ask whether a “dive shop” as described in your email, is subject to the HMR if it fills a foreign manufactured SCUBA cylinder solely for the personal use of an individual.

The answer is no. Section 171.1(b) and (c) state that requirements of the HMR apply to each person who offers a hazardous material for transportation in commerce and the transportation of a hazardous material in commerce. The transportation of a hazardous material by a private individual for non-commercial personal use is not considered transportation in commerce. Therefore, the requirements of the HMR are not applicable to fillers or private individuals for the use, recharging, or transportation of SCUBA cylinders by private individuals for personal use. However, the dive shop may be subject to other requirements (e.g., Occupational Safety and Health Administration regulations) related to the filling of cylinders.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Ciccarone

19-0017

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, February 13, 2019 12:11 PM
To: Hazmat Interps
Subject: FW: Navigating DOT stamps on gas cylinders for scuba diving and breathing apparatus

Alice and Ikeya,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

From: John Christopher [mailto:johnvchristopher@gmail.com]
Sent: Tuesday, February 12, 2019 4:40 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Re: Navigating DOT stamps on gas cylinders for scuba diving and breathing apparatus

Jonathan,

Thank you for your response!

My mailing address is as follows:

John Christopher
801 N 4th #302
Wilmington, NC 28401

On Tue, Feb 12, 2019 at 2:55 PM INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov> wrote:

Dear John,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

However, before we can submit your request for processing:

Please respond to this email with a mailing address where you would like to receive your written letter of interpretation.

Sincerely,

Jonathon, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: John C. [<mailto:johnvchristopher@gmail.com>]

Sent: Monday, January 28, 2019 6:51 PM

To: PHMSA Webmaster <PHMSAWebmaster@dot.gov>

Subject: Navigating DOT stamps on gas cylinders for scuba diving and breathing apparatus

Hello,

-If this email is being sent to the wrong department or agency regarding jurisdiction or responsibility on the matter, please inform and/or forward to the appropriate department\agency.

I Have recently acquired gas cylinders for the use of scuba diving and personal use on breathing apparatus. These tanks were NOT originally born in the US, but instead are from a European Manufacturer. These tanks bear the "CE" stamp stating the tanks have met their requirements but do NOT bear the us standard "DOT" stamp.

The issue of legality of [filling these tanks at a "dive shop" and the transportation as a private individual and NOT offered for transportation in interstate commerce] has become "confused".

I am writing to request an official letter of clarification stating that it is in fact legal with no regulation that prohibits a non "DOT" tank from being filled and transported provided it is NOT offered for transportation in interstate commerce, and therefor acceptable for a "dive shop" to fill a "CE" stamped cylinder with breathing gas for the use of scuba and other breathing apparatus if this is for personal use and transported by a private individual.

Thank you for your time,

John V. Christopher

Sent from Mail for Windows 10