



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

SEP 03 2019

Randolph Martin  
Sr. Consultant, Hazardous Materials Distribution  
The Chemours Company  
1007 Market Street  
Room 518-3  
Wilmington, DE 19899

Reference No. 19-0038

Dear Mr. Martin:

This letter is in response to your March 28, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of Division 2.2 (non-flammable gas) and what constitutes an empty packaging of a Division 2.2 material. Specifically, you state your company has several products classified as Division 2.2 which are occasionally in packagings that are unloaded from a transport vehicle and have a gauge pressure reading less than 200 kPa (29.0 psig) at 20 °C (68 °F).

We have paraphrased and answered your questions as follows:

- Q1. You ask whether your understanding of the definition of Division 2.2 is correct in that there appears to be three criteria, which must all be met, to qualify as Division 2.2. You state the criteria are:
- (1) The gas exerts in the package a gauge pressure of 200 kPa (29 psig/43.8 psia) at 20 °C (68 °F).
  - (2) The material is a liquified gas or a cryogenic liquid.
  - (3) The material does not meet the definition of Division 2.1 (flammable gas) or 2.3 (gas poisonous by inhalation).
- A1. The answer is no, your understanding is not correct. In accordance with § 173.115(b)(1) and (2), a gas is classified as Division 2.2 if it exerts in the packaging a gauge pressure of 200 kPa (29.0 psig) or greater at 20 °C (68 °F) and it does not meet the definition of Division 2.1 or 2.3; or the material is a liquified gas or cryogenic liquid, and it does not meet the definition of Division 2.1 or 2.3. The first two criteria in your list are not required to be met together, but in either of those two instances, the material must not meet the definition of Division 2.1 or 2.3.

Q2. You ask whether § 173.29(b)(2)(iv)(B) states that the residue of a Division 2.2 non-flammable gas at a gauge pressure of less than 200 kPa (29 psig/43.9 psia) at 20 °C (68 °F) is not subject to any other requirements and is not a hazardous material.

A2. Your understanding is correct. The packaging in your scenario would be considered empty in accordance with § 173.29(b)(2)(iv)(B), and would not be subject to any other requirements of the HMR.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

**Dodd, Alice (PHMSA)**

V. G. Wilson  
§173.115(b)  
19-0038

**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, March 29, 2019 11:05 AM  
**To:** Hazmat Interps  
**Subject:** FW: Request for interpretation

Alice and Ikeya,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

**From:** Martin, Randy [mailto:RANDOLPH.MARTIN@chemours.com]  
**Sent:** Thursday, March 28, 2019 2:28 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for interpretation

This is a request for a formal interpretation of the hazmat regulations, specifically the definition of a Div. 2.2 non-flammable, nonpoisonous compressed gas.

We have several products properly classified as a Div 2.2 gas. Per 49 CFR 173.115(b) there appears to be 3 criteria that qualify a material to be a Div 2.2 gas:

- Exerts in the packaging a gauge pressure of 200 kPa (29 psig) or greater at 20 C
- Is a liquefied gas or a cryogenic liquid, and
- Does not meet the definition of Division 2.1 or 2.3

My question has to do with the correct classification of a Division 2.2 material when the packaging has been unloaded and the gauge pressure is now less than 200 kPa at 20 C.

There have been at least 5 interpretations issued on this subject going back to 2011, and in conversation with members of your staff on March 1 and March 15 of this year they suggested I ask for one more.

This is because it appears that the interpretations give conflicting answers, as I have outlined below.

Interpretation response 11-0088, issued 6/7/2011, indicates to be a Div 2.2 gas a material must meet only 1 of the 3 provisions in 173.115(b)(1).

Interpretation response 15-0157, issued 10/29/2015, indicates that the residue of a Div 2.2 gas exerting a gauge pressure of less than 200 kPa (29 psig) at 20 C is not subject to the hazardous material regulations, per 173.29(b)(2)(iv)(B).

Interpretation response 15-0234, issued 5/5/16, indicates that the contents of a non-pressurized cylinder (a cylinder that exerts a gauge pressure of less than 200 kPa at 20 C) that previously contained a Division 2.2 gas, no longer meets the definition of a Division 2.2 gas and is not subject to the requirements of the hazmat regulations, per 173.115(b).

Interpretation response 18-0031, issued 8/3/2018, indicates that any liquefied gas that complies with 173.115(b)(2) (is not a Div 2.1 or 2.3) is a Div 2.2 gas.

Interpretation response 18-0054, issued 11/15/2018, seems to indicate that a material exerting a gauge pressure in a cylinder of less than 29 psig is not a Div 2.2 gas.

And finally, 173.29(b)(2)(iv)(B) which (we believe) clearly states that the residue of a Division 2.2 non-flammable gas at a gauge pressure of less than 200 kPa (29 psig) at 20 C is not subject to any other requirements (is not a hazmat).

Please advise as to the correct interpretation, and call me on 302-773-2266 if you have any questions.

**Randolph Martin**

Sr. Consultant, Hazardous Materials Distribution

302-773-2266 office

302-383-4174 mobile

**The Chemours Company**

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