



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 13, 2021

Helen Walter-Terrinoni
VP Regulatory Affairs
Air-Conditioning, Heating, and Refrigeration Institute (AHRI)
2311 Wilson Boulevard Suite 400
Arlington, VA 22201

Reference No. 21-0011

Dear Ms. Walter-Terrinoni:

This letter is in response to your February 4, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to exceptions for compressed gases in refrigerating machines and their components. Specifically, you ask questions regarding the exceptions provided in §§ 173.307(a)(4)(iii) and (v).


We have paraphrased and answered your questions as follows:

- Q1. You ask whether the exception provided in § 173.307(a)(4)(iii) would apply to refrigerating machines containing 12 kg or less of a flammable, non-toxic liquefied gas, such as “UN3252, Difluoromethane, 2.1” or “UN3161, Liquefied gas, flammable, n.o.s., 2.1,” so long as such units are not offered or transported by air.
- A1. The answer is yes. Refrigerating machines and components thereof, containing 12 kg or less of a flammable, non-toxic gas, including a liquefied gas, are not subject to the requirements of the HMR provided they are not offered or transported by aircraft.
- Q2. You ask whether the exception provided in § 173.307(a)(4)(v) would apply to refrigerating machines containing 100 g or less of a flammable, non-toxic liquefied gas, such as “UN3252, Difluoromethane, 2.1” or “UN3161, Liquefied gas, flammable, n.o.s., 2.1,” regardless of the mode of transportation.

A2. The answer is yes. Refrigerating machines and components thereof, containing 100 g or less of a flammable, non-toxic liquefied gas, are not subject to the requirements of the HMR, regardless of the mode of transportation.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with the first name "Dirk" being the most prominent part.

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: AHRI Request for PHMCSA Letter of Interpretation
Date: Friday, February 5, 2021 1:56:22 PM
Attachments: [AHRI Request for PHMSA Letter of Interpretation CFR 49 173.pdf](#)
[image002.png](#)
[image004.png](#)

Good afternoon Alice,
Please see the attached request for a letter of interpretation. Please contact our office with any questions.

Thank you,

Sarah (HMIC)

From: Kelley, Shane (PHMSA)
Sent: Thursday, February 4, 2021 12:03 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>; Dodd, Alice (PHMSA) <Alice.Dodd@dot.gov>
Cc: DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>; Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>; Nickels, Matthew (PHMSA) <Matthew.Nickels@dot.gov>; Constantino, Lindsey (PHMSA) <l.constantino@dot.gov>; Pfund, Duane (PHMSA) <Duane.Pfund@dot.gov>
Subject: FW: AHRI Request for PHMCSA Letter of Interpretation

Folks.

Please process as a formal interp request.

Management Team – let me know who is assigned please, and include me in the concurrence chain. Let's include our international team on this one as well please. Thank you

From: Walter-Terrinoni, Helen <HWalter-Terrinoni@ahrinet.org>
Sent: Thursday, February 04, 2021 11:47 AM
To: Constantino, Lindsey (PHMSA) <l.constantino@dot.gov>
Cc: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Koban, Mary <MKoban@ahrinet.org>; Carpizo, Marie <MCarpizo@ahrinet.org>; Maureen Beatty (mbeatty@refrigerants.com) <mbeatty@refrigerants.com>
Subject: AHRI Request for PHMCSA 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.

Shane (PHMSA) <shane.kelley@dot.gov>
Constantino, Lindsey (PHMSA) <l.constantino@dot.gov>

Dear Lindsey,

Thank-you for taking the time to discuss our questions regarding a potential request for a letter of interpretation late last year. Please see our request attached to this email. We look forward to continuing to work with you on this question.

Please contact me if you have any questions.

I hope that you and your family are doing well.

Best Regards,
Helen

Helen Walter-Terrinoni
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