



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

1200 New Jersey Avenue, SE
Washington, DC 20590

May 18, 2022

Steven Charles Hunt
President
ShipMate, Inc.
P.O. Box 787
Sisters, OR 97759

Reference No. 22-0001

Dear Mr. Hunt:

This letter is in response to your January 6, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipping requirements for a life-saving appliance (e.g., a self-inflating life vest). You seek confirmation that a small gas cartridge (i.e., a gas cylinder) that is not threaded or attached to a self-inflating life vest can be shipped in the pocket of the life vest.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether a small gas cylinder that—having a capacity less than 120 mL—is packed in the pocket of a self-inflating life vest and is not threaded or attached to the self-inflating life vest, would meet the requirements outlined in § 173.219.
- A1. There is no prohibition in § 173.219 from packing an uninstalled gas cylinder—i.e., not attached but necessary for activating the appliance—in the pocket of a self-inflating life vest, provided the self-inflating life vest is packaged in accordance with § 173.219.
- Q2. You ask whether packing a small gas cylinder—having a capacity less than 120 mL—in the pocket of a self-inflating life vest would make the life-saving appliance eligible for exception from the provisions of the HMR, in accordance with § 173.219(c)(5).
- A2. The answer is yes. In accordance with § 173.219(c)(5), the gas cylinder must contain a Division 2.2 compressed or liquefied gas with no subsidiary risk, not exceed 120 mL capacity, and be installed solely for the purpose of activating the appliance. Our intent here is not to limit the gas cylinder to only those installed (i.e., attached to) a self-inflating life vest in packaged form. Rather the intent is that a gas cylinder, on its own, is necessary for the activation of the appliance. And thus, if packed in the pocket of the life vest, would also meet conditions outlined in § 173.219(c)(5) for exception from the

HMR. Please note, a person must adhere to the air transportation restrictions at the end of paragraph (c)(5).

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: REQUEST FOR INTERPRETATION: 173.219
Date: Tuesday, January 11, 2022 10:21:42 AM

Hello All,

Please see the below request for interpretation.

Let me know if you have any questions on anything.

Regards,

-Breanna

From: Steve Hunt <steve@shipmate.com>
Sent: Thursday, January 6, 2022 10:04 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: REQUEST FOR INTERPRETATION: 173.219

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.

HazMat Info Center:

In response to my conversation of Jan 4, 2022 with your staff regarding the subject section, this is a request for a written letter of interpretation and verbal response on the subject reference so as to facilitate commerce.

1. With respect to § 173.219(a), shown below:

A life-saving appliance, self-inflating or non-self-inflating, containing small quantities of hazardous materials that are required as part of the life-saving appliance must conform to the requirements of this section. Packagings must conform to the general packaging requirements of [subpart B of this part](#) but need not conform to the requirements of [part 178 of this subchapter](#). **The appliances must be packed, so that they cannot be accidentally activated and, except for life vests, the hazardous materials must be in inner packagings packed so as to prevent shifting within the outer packaging. The hazardous materials must be an integral part of the appliance and in quantities that do not exceed those appropriate for the actual appliance when in use.**

a. The statement indicates that "...except for life vests, the hazardous materials must be in inner packaging packed so as to prevent shifting within the outer packaging."

Q1. If a small gas cartridge containing less than 120 ml is packed with the life vest (e.g., in a pocket) but NOT installed (e.g., threaded), does this meet the requirement outlined in this section?

2. With respect to § 173.219(c)(5), shown below:

Life-saving appliances containing no hazardous materials other than cylinders of Division 2.2 compressed or liquefied gases with no subsidiary risk, with a capacity not exceeding 120 mL, installed solely for the purpose of activating the appliance, are not subject to the provisions of this subchapter provided they are overpacked in rigid outer packagings with a maximum gross mass of 40 kg.

Q2. Again, if the small gas cartridge containing less than 120 ml is packed with the life vest (e.g., in a pocket) but NOT installed (e.g., threaded), does this meet the requirement outlined in this section and, therefore, entitled to the exception outlined in this subsection?

We would appreciate a verbal confirmation, followed by a written letter of interpretation. I may be reached directly at +1 (310) 600-5241.

Steve

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Respectfully,

s/steve

Steven Charles Hunt
DGSA, CDGP, CSP, CHMM, CIT, CDGT, SMS, STS
President
ShipMate, Inc.
780 Buckaroo Trail, Suite D (deliveries)
PO Box 787 (mail)
Sisters, OR 97759-0787
Tel: +1 (310) 370-3600
Fax: +1 (310) 370-5700
steve@shipmate.com

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To receive a complimentary demo login, send us
an e-mail or call: +1 (310) 370-3600

Dangerous Goods Safety Advisor DGSA (No. 2935081/160728)
Certified Dangerous Goods Professional CDGP (No. 00040)
Certified Safety Professional (No. CSP-34836)
Certified Hazardous Materials Manager CHMM (No. 19112)
Certified Instructional Trainer CET (No. CIT-13613)
Certified Dangerous Goods Trainer CDGT (No. 00160)
Safety Management Specialist SMS (No. SMS-986)

Safety Trained Supervisor STS (No. STS-16681)