



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

November 30, 2022

Ms. Terri Zick  
Sr. Scientist  
CTI and Associates, Inc.  
34705 West 12 Mile Rd, Suite 230  
Farmington, MI 48331

Reference No. 22-0034

Dear Ms. Zick:

This letter is in response to your March 28, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to aerosol containers shipped for recycling or disposal. Specifically, you ask about the requirement to secure the aerosol receptacle with a cap to protect the valve stem or remove the valve stem as a condition for utilizing the exception provided in § 173.306(k).

We have paraphrased and answered your questions as follows:

- Q1. You ask whether the removal of the nozzle—rather than removing the valve stem itself—meets this requirement.
- A1. The answer is no. Removing the nozzle alone may not be sufficient to ensure that the contents of the aerosol container are not accidentally discharged during transportation.
- Q2. With regard to removal of the valve stem, you ask whether cutting the valve stem such that it is flush with the top of the can satisfies the intent to protect uncapped aerosol containers from accidental discharge during transportation.
- A2. It is the opinion of this Office that cutting the valve stem so that it is flush with top, in a manner that prevents accidental discharge, satisfies the requirements of § 173.306.
- Q3. In the scenario of neither a cap being placed on each container nor the valve stem being removed, you ask whether the requirement is to ship the aerosols in properly labeled specification packages weighing a maximum of 66 lbs. gross weight along with a shipping paper.

A3. The answer is it depends. Other provisions for exceptions from full regulation are provided within § 173.306. For example, see the paragraph (i) limited quantities exception. Furthermore, the material may be eligible for additional exceptions provided in § 173.156, such as the 66-pound limit per package, subject to certain conditions and limitations. Additionally, damaged, defective, or leaking aerosol containers may be shipped in salvage drums or cylinders in accordance with § 173.3(c) and (d).

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", written in a cursive style.

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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Hazmat Interps](#)  
**Subject:** FW: 173.306 Aerosols clarification  
**Date:** Thursday, April 21, 2022 4:31:11 PM

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Hello Hazmat Interps,

See below a request for a letter of interpretation.

Thanks,

Jonathon, HMIC

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**From:** Terri Zick <tzick@cticompanies.com>  
**Sent:** Monday, March 28, 2022 5:54 PM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Subject:** 173.306 Aerosols clarification

**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.

Hello-

49 CFR 173.306(k) specifies that aerosols shipped for recycling/disposal purposes are excepted from the requirements for:

- Labeling (subpart E, Part 172)
- Specification packaging (when packaged in accordance with 173.306(K))
- Shipping papers – when non-hazardous (Subpart C, Part 172)
- 66 lb gross weight limit

One of the conditions for the exception is 173.306(k)(ii) which requires that the cap be replaced onto the aerosol to protect the valve stem OR that the valve stem removed. I have the following inquiries:

1. In practice, many HazMat employees tend to interpret this to mean removal of the nozzle rather than actually removing the valve stem itself. I look for the PHMSA's position on nozzle removal as a means of protecting an uncapped aerosol.
2. With regard to physical removal of the valve stem, has PHMSA addressed whether cutting the valve stem off flush with the top of the can satisfies the intent to protect uncapped aerosols from accidental discharge during transportation?
3. In a scenario where the cap is not placed back on each can and/or valve stems are not removed (or another measure to disable the valve stem as indicated in question 2 above), is the alternative to ship the aerosols in properly labeled specification packages weighing a maximum of 66 lbs gross weight along with a shipping paper?

I would appreciate your response to these inquiries regarding compliance with 173.306(k) and any guidance established by PHMSA. Thank you and feel free to contact me via email or phone if clarification of this inquiry is required.

Thank you  
Terri Zick  
313-300-7401 cell



**Protecting, Enhancing, and  
Restoring our Environment**

**Terri Zick**  
**Sr. Scientist**

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