



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 19, 2023

Mr. David A. Pelton
Vice President, Technical
National Association of Fire Equipment Distributors
55 E. Monroe Street
Suite 1440
Chicago, IL 60603

Reference No. 23-0036

Dear Mr. Pelton:

This letter is in response to your March 20, 2023, letter and subsequent conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to non-specification fire extinguishers.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether there is a limit on the quantity of non-specification fire extinguishers classed as “UN1044, Fire extinguishers *containing compressed or liquefied gas, 2.2*” that can be packaged within a combination outer packaging (i.e., a suitable enclosure).
- A1. The answer is no, there is no limit on the number of non-specification non-manifolded fire extinguishers that can be packaged within a combination outer packaging—provided it is a suitable enclosure and in conformance with all of the provisions of § 173.309(c).
- Q2. You ask whether the combination outer packaging for “UN1044, Fire extinguishers *containing compressed or liquefied gas, 2.2*” must be 6-sided.
- A2. The answer is no. As specified in § 173.309(c)(5), each non-specification fire extinguisher must be packaged as an inner packaging within a combination outer packaging. Examples of acceptable outer packagings for non-specification fire extinguishers include large cartons, racks, cages, or other suitable enclosures.

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

Sincerely,

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Interpretation Request / See File Attached
Date: Tuesday, March 28, 2023 11:37:48 AM
Attachments: [NAFED_DOT Interpretation Request_Mar."23.pdf](#)

Hello Alice,

Please see the attached interpretation request.

Let us know if you need anything else.

Regards,

-Breanna

From: David Pelton <dpelton@nafed.org>
Sent: Monday, March 20, 2023 8:14 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation Request / See File Attached

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.

Madam/Sir:

Interpretation request, please see attached letter. Please confirm receipt. Thank you.

Regards,

David Pelton



David A. Pelton | Vice President, Technical
D: 312.462.4368 | **O:** 312.461.9600
dpelton@nafed.org
www.nafed.org



March 20, 2023

Hazardous Materials Standards and Rulemaking
U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: INTERPRETATION REQUEST - §173.309 FIRE EXTINGUISHERS – SECTION (c)(5)

Dear: Madam/Sir:

§173.309 Fire Extinguishers – Section (c)(5) states “(c) *Non-specification cylinders are authorized as fire extinguishers subject to the following conditions: (5) Each non-specification fire extinguisher must be packaged as an inner packaging within a combination outer packaging. Examples of acceptable outer packagings for non-specification fire extinguishers including large cartons, racks, cages or other suitable enclosures; and.*”

Is there a limit on the quantity of fire extinguishers that can be packaged in a single suitable enclosure, and must the enclosure be 6-sided?

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pelton", is written over a white rectangular area.

David A. Pelton
Vice President, Technical

(D): 312.462.4368
dpelton@nafed.org