



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

SEP 15 2000

Ms. Rebecca A. Smith
Legal Administrator
Law Offices of Fisher & Douglas
122 East Main Street
Columbus, Ohio 43215-5208

Ref. No: 00-0071

Dear Ms. Smith:

This is in response to your letter of March 1, 2000, requesting clarification on the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to DOT specification cylinders which are never transported in commerce. Specifically you ask whether these specification cylinders must be inspected or tested prior to refilling.

As specified in § 171.1, the HMR govern the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce. Therefore, a DOT specification cylinder used on a paintball battlefield, which are emptied and refilled on the premises, and never transported off of the battlefield, is not subject to the HMR.

For your information, although not required by the HMR, we recommend testing of any cylinder beyond its retest date prior to refilling the cylinder.

I hope this information is helpful.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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March 1, 2000

Office of Hazardous Materials Standards
Research and Special Program Administration
U.S. Department of Transportation
400 Seventh Street S.W.
Washington, DC 20590

Dear Sir/Madam:

Our office represents a client which operates a paintball battlefield. In the course of its operations, this client uses and refills cylinders. DOT-3AL cylinders are used to contain CO2 and DOT-E cylinders are used to contain compressed air. These cylinders are emptied and refilled on the premises; they are not transported in either interstate or intrastate commerce.

Under the Hazardous Materials Regulations, is our client required to have these cylinders inspected and pressure tested or are they exempt? What penalties could be imposed for not meeting the inspection and testing requirements? Would these penalties apply to the party refilling the cylinders, the owner of the cylinders, or both?

If additional information is required, please contact me at (614) 221-0446. Thank you for your assistance in this matter.

Sincerely yours,

Rebecca Smith

Rebecca A. Smith
Legal Administrator

DWD/ras