



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

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

AUG 22 2000

Mr. William Barlen  
Barlen and Associates, Inc.  
90 Dorset Lane  
Madison, Connecticut 06443-8107

Ref. No: 00-0197

Dear Mr. Barlen:

This is in response to your letter of July 17, 2000, requesting information on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to DOT specification cylinders for personal use.

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 to supply liquefied petroleum gas for cooking and heating at a consumer location, which is filled at that location and never transported in commerce, is not subject to the HMR. There is no need to remove the specification marking from the cylinder.

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,

*for Thomas G. Allan*

Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards



000197

1761

**BARLEN and ASSOCIATES, Inc.**  
*Consulting to the Compressed Gas Industry*

**William Barlen**  
90 Dorset Lane  
Madison Connecticut 06443-8107  
 Telephone (203) 421-3864  
 Telecopier (203) 421-3863  
 e-mail – Barlen@gas-consulting.com

RSPA  
Office of Hazardous Materials Standards (DHM-10)  
U.S. Department of Transportation  
400 Seventh Street SW  
Washington, DC 20590-0001

*Lavalbe*  
*\$ 171.1*  
*00-0197 17 July 2000*

RE: "Request for Interpretation of a DOT regulation"

**Question. If a DOT cylinder is going to be filled for a use that will not involve shipping the cylinder in commerce, does the cylinder have to be retested and maintained as prescribed in 49 CFR?**

Specifically the DOT has written an interpretation – I have not seen the letter – but several people on an industry safety committee I am serving on have seen it. That interpretation apparently says that propane cylinders used in barbecue grill service (25 pounds capacity and smaller) did not fall under DOT regulations since they "were not in commercial commerce."

Based on that interpretation, committee members on NFPA 58 (*Standard for the Storage and handling of Liquefied Petroleum Gases*) have recently removed the requirement to inspect and requalify DOT cylinders – generally 100 pound capacity – used for cooking and heating at consumer locations. Those cylinders are filled at the user location and are not transported.

Personally, as a retired Technical Director of the Compressed Gas Association, and someone with 40 plus years in the compressed gas industry, my interpretation of 49 CFR has always been that if a cylinder was made to a DOT specification and was marked "DOT" it had to meet all requirements of the specification or exemption and be maintained and retested to DOT requirements.

If the key to a cylinder being DOT compliant was only "if used in commercial transportation",

- Could fiber wrapped cylinders made to an exemption that requires their removal from service at the end of 15 years, stay in service if the user promised not to ship them?
- Could a filler cited during a DOT inspection for filling a cylinder out of test, avoid a fine by swearing that the cylinder was only going into storage for use on site ?
- Could a user mark any container "DOT" if they promised not to ship it?

I feel since a person moving/transporting it in the future would have to rely that it had been filled to conform to DOT regulations, that unless the DOT markings were removed, it had to always comply with CFR 49.

I look forward to your response.

Sincerely,  
*William Barlen*

William Barlen