



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUL 27 2017

William Messner
PonyPak
P.O. Box 130
Downers Grove, IL 60515

Reference No. 16-0196

Dear Mr. Messner:

This letter is in response to your December 8, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to United Nations (UN) International Organization for Standardization (ISO) Standard 11119-2 carbon fiber composite cylinders. You state that your company plans to begin production of dive equipment incorporating carbon self-contained breathing apparatus (SCBA) cylinder tanks certified to ISO-11119-2. You further specify that while your cylinders are not used underwater, they are used on the surface in marine environments (i.e., on shore, off piers, off shore).

We have paraphrased and answered your questions as follows:

- Q1. You ask whether a letter of interpretation issued under Reference No. 14-0123 that describes a scenario where ISO Standard 11119-2 cylinders do not require a special permit (DOT-SP) or competent authority (CA) approvals is applicable to other companies with the same scenario.
- A1. The answer is yes. Letters of interpretation reflect the administration's current application of the HMR to the specific facts presented by the person requesting the clarification. They are provided to help the public understand how to comply with the HMR. Letters of interpretation do not create legally-enforceable rights.

As described by Reference No. 14-0123, dated November 3, 2014:

"A cylinder designed and constructed in conformance with the applicable requirements prescribed in 49 CFR 178.70, 178.71(a) and 178.71(l) for an ISO Standard 11119-2 is a UN standard fibre-reinforced, composite gas cylinder with a load sharing metal liner. Cylinders that are fully in conformance with ISO 11119-2 do not require a DOT-SP or CA Approval. To certify that these cylinders are an authorized UN standard packaging, manufacturers mark them in conformance with § 178.71(p), (q), and (r)...An ISO Standard 11119-2 cylinder that varies from this design is not an authorized packaging in the United States

until its variations are reviewed and approved by PHMSA's Associate Administrator for Hazardous Materials Safety in the form of a DOT-SP or CA. The cylinder must be marked with the DOT-SP or CA number if the DOT-SP or CA requires that it be marked with that number; otherwise, the marking of that number is not required. In addition, the HMR require ISO Standard 11119-2 cylinders to be refilled in conformance with §§ 173.301, 173.301b, 173.304b; and periodically retested in conformance with § 180.205."

Please note, the marking requirements in § 178.71 of the HMR were redesignated to paragraphs (q), (r), and (s) by the final rule HM-215M published January 8, 2015 [80 FR 1075].

- Q2. You ask whether the cylinders you describe in your letter, which you state are to be used on the surface in marine environments only, require the "UW" mark prescribed in §§ 173.301b(g), 178.71(l)(2) and (q)(18) for composite cylinders certified to ISO-11119-2 intended for underwater use.
- A2. The answer is no, provided the cylinders are not intended for underwater use or manufactured in accordance with the requirements for underwater use (see § 178.71(l)(2)). However, the requirements to mark the "UW" may be followed as a voluntary option for cylinders which are not intended for underwater use. Therefore, it is recommended that PonyPak consider whether its use of ISO Standard 11119-2 cylinders in a marine environment warrants the use of cylinders which have been subjected to the saltwater immersion test in accordance with 8.5.11 of the Standard.

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

Lehman
8178.1
Cylinders
16-0196

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, December 09, 2016 4:40 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation
Attachments: #1 DOT_ISO.PDF

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Messner would like a written response to his inquiry.

Please let me know if you have any questions.

Thank you,
Jordan

From: William Messner [<mailto:wmessner@ponypak.com>]
Sent: Friday, December 09, 2016 4:33 PM
To: INFOCNTR (PHMSA)
Subject: RE: Request for Interpretation

Hi Jordan

Thank you for your call. My address is:

William Messner
PonyPak
POBox 130
Downers Grove, IL 60515

Thank you.

Regards,

William (Bill) Messner



312-239-0033 (Office)
708-256-9360 (Cell)

The only "buddy" who will never leave your side..... is YOU!
Give your "buddy" the equipment he needs ... to save your life!

From: INFOCNTR (PHMSA) [<mailto:INFOCNTR.INFOCNTR@dot.gov>]
Sent: Friday, December 9, 2016 3:31 PM
To: William Messner <wmessner@ponypak.com>
Subject: RE: Request for Interpretation

Dear Bill,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

In order to process your request, please respond to this email with your full mailing address.

Please allow a minimum of 8 weeks before contacting the Office of Hazardous Materials Standards (OHMS) for a status on written letters of interpretations. Delivery time of a written interpretation can vary markedly based on topic complexity and the depth of review necessary by OHMS Divisions and modal administrations (e.g., FAA) to ensure an appropriate response.

Sincerely,

Jordan, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: William Messner [<mailto:wmessner@ponypak.com>]

Sent: Thursday, December 08, 2016 3:33 PM

To: INFOCNTR (PHMSA)

Cc: William Messner

Subject: Request for Interpretation

Hello.

PonyPak is a new dive equipment manufacturer. We plan to begin production in March.

Two components use carbon SCBA tanks – on the surface. They supply breathing gas to divers underwater or to surface responders working in wells/tunnels, etc. We have selected a supplier that produces carbon SCBA tanks, with UN/ISO certification. They can be used both on the surface and underwater. Although our use is ONLY on the surface, they will be used in a “marine environment.”

An associate that sells ISO tanks (for paintball) provided me the attached letter.

I would appreciate a similar letter, that we can show prospective purchasers, that our cylinders, which are ISO 11119-2 certified and labeled, do not require DOT-SP or CA Approval.

Second: Although the cylinders are NOT used underwater, but only on the surface in a marine environment (on shore/off piers / off shore) - do they require "UW" mark prescribed in §§ 173.301 b(g), 178.71 (1)(2) and (p)(18) for composite cylinders certified to ISO-11119-2.?"

If so, the manufacturer's cylinders meet this specification, and can be so labeled, either with or without.

I would appreciate receiving your definitive letter of interpretation on these issues as soon as possible. Thank you.

Regards,

William (Bill) Messner



312-239-0033 (Office)

708-256-9360 (Cell)

The only "buddy" who will never leave your side.... is YOU!
Give your "buddy" the equipment he needs ... to save your life!



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Pipeline and Hazardous
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Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

NOV 03 2014

Mr. Gio Islas
Guerrilla Air/Tiberius Arms
2717 West Ferguson Road
Fort Wayne, IN 46809

Reference No. 14-0123

Dear Mr. Islas:

This is in response to your recent e-mail to the Pipeline and Hazardous Materials Safety Administration (PHMSA) Hazardous Materials Information Center requesting clarification on how to properly handle and fill United Nations (UN) International Organization for Standardization (ISO) Standard 11119-2 carbon fiber composite cylinders with a steel liner under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if PHMSA can explain the handling and filling requirements this cylinder must comply with under the HMR.

You state your company imports these ISO cylinders into the United States and some of your customers use them when scuba diving. You also state some of your customers reported they have difficulty getting these cylinders refilled because some workers at refill facilities state they are not familiar with these cylinders. In addition, you state your customers report cylinder refillers state they will refill your customers' cylinders only if they are marked with a Department of Transportation Special Permit (DOT-SP) or Competent Authority (CA) number. Further, you included a photograph of the following markings on a UN ISO Standard 11119-2 carbon fiber cylinder:

0.625x 18UNF TW AMS BB01058
PW310 PH465BAR 0.95 KG 1.10L 0029
USA/M0812 IA18
Ⓜ ISO11119-2 B Ⓜ 2011/12
Canada SU 10070
Equivalency [*Obscured text*] icate

A cylinder designed and constructed in conformance with the applicable requirements prescribed in 49 CFR 178.70, 178.71(a) and 178.71(l) for an ISO Standard 11119-2 is a UN standard fibre-reinforced, composite gas cylinder with a load sharing metal liner. Cylinders that are fully in conformance with ISO 11119-2 do not require a DOT-SP or CA Approval. To certify that these cylinders are an authorized UN standard packaging, manufacturers mark them in conformance with § 178.71(p), (q), and (r). The mark you provided complies with

this requirement, except we note that it does not appear to include the "UW" mark prescribed in §§ 173.301b(g), 178.71(l)(2) and (p)(18) for composite cylinders certified to ISO-11119-2 intended for underwater use. Customers who intend to use these types of cylinders for underwater use should be made aware of this requirement. An ISO Standard 11119-2 cylinder that varies from this design is not an authorized packaging in the United States until its variations are reviewed and approved by PHMSA's Associate Administrator for Hazardous Materials Safety in the form of a DOT-SP or CA. The cylinder must be marked with the DOT-SP or CA number if the DOT-SP or CA requires that it be marked with that number; otherwise, the marking of that number is not required. In addition, the HMR require ISO Standard 11119-2 cylinders to be refilled in conformance with §§ 173.301, 173.301b, 173.304b; and periodically retested in conformance with § 180.205.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, reading "T. Glenn Foster".

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