



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 25 2017

Ms. Rebecca Spaulding
Environmental Resource Center
101 Center Pointe Drive
Cary, NC 27513

Reference No. 17-0033

Dear Ms. Spaulding:

This letter is in response to your March 28, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the meaning of the word "container." Specifically, you ask whether "container" as used in § 173.306(a)(1) excludes other types of containers, such as aerosol cans.

The answer is no. The HMR do not specifically define the word "container." However, it is defined by Merriam Webster's dictionary as, "one that contains [,] such as: a receptacle (such as a box or a jar) for holding goods." "Container" as it is used in § 173.306(a)(1) includes all container types (except cigarette lighters), such as aerosol cans, that comply with the requirements in § 173.306.

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

Edmonson
§ 173.306
Limited Quantity
17-0033

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, March 29, 2017 9:06 AM
To: Hazmat Interps
Subject: FW: Interpretation request

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Ms. Spaulding.

Please let me know if you have any questions.

Thanks,
Jordan

From: Rebecca Spaulding [mailto:rspaulding@environmentalresourcecenter.com]
Sent: Tuesday, March 28, 2017 12:15 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Cc: Kristie Absher <kabsher@ercweb.com>
Subject: Interpretation request

Interpretation request for 49 CFR 173.306(a)(1).

Hello,

I am requesting an interpretation on the word "container" as used in 173.306(a)(1). This paragraph specifically excludes cigarette lighters, but does not exclude any other type of container used to hold compressed gases. My question is whether the word "container" excludes any other types of containers such as aerosol cans?

It is my understanding that as long as a container (excluding cigarette lighters) does not exceed 4 fluid ounces or 7.22 cubic inch capacity, then this section may be applied to authorized hazardous materials. There is no definition of "container" in 171.8, and numerous conversations with the Hazmat Information Center have supported the definition of container as including all containers (including aerosols) other than those used as cigarette lighters.

Please advise whether the word container includes or excludes other container types such as aerosol cans.

Thank for your time and assistance.

Kind regards,

Rebecca Spaulding
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