



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAY 20 2009

Mr. Richard Seaburg
Quality Assurance Manager
Tyco Safety Products
One Stanton Street
Marinette, WI 54143-2542

Ref. No. 08-0255

Dear Mr. Seaburg:

This responds to your October 6, 2008 letter requesting clarification of the fire extinguisher requirements in § 173.309 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state your company manufactures cylinders under the exception in § 173.309 for fire extinguishers and provided data sheets and drawings. The cylinders are filled with a pressurized wet chemical extinguishing agent (potassium carbonate solution). You ask if the cylinders meet the requirements in § 173.309 for fire extinguishers.

The answer is no. The requirements in § 173.309 are applicable to cylinders used as portable fire extinguishers. According to the data sheets and drawings you submitted, your non-DOT specification cylinders are fitted with fusible links, have no nozzles, and are designed for use as fixed fire suppression systems. When transported, each cylinder must be described with the name of its compressed gas contents followed by the qualifying word "mixture" or "solution" as appropriate. See § 172.101(b)(1). The potassium carbonate extinguishing agent is not a regulated material and, therefore, not subject to the HMR. The outside package must be properly marked and labeled in accordance with Part 172. Your company may be interested in applying for a special permit under the procedures in 49 CFR 107.105.

We apologize for the earlier misinformation regarding the transportation of these cylinders. Please contact us if you require additional assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Eichenlaub
§173.309
Fire Extinguishers
08-0255

Ansul Inc.
1 Stanton St.
Marinette, WI 54143

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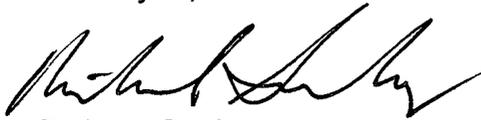
Interoffice Memorandum

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Date Oct. 6, 2008
To Edward Mazzullo
Office of Hazardous Materials Standards, Pipeline and Hazardous Material Safety
Administration, Attn: PH-10, U.S. Dept. Washington, DC 20590-0001
From Richard Seaberg
Copy Brad Goldapske, Lyne Demers, Eric Bretl
Subject Interpretation of 49 CFR 173.309

Edward

Your name was given to us when we called DOT for information on 173.309. We would like to have an interpretation on the subject par 173.309(a) of 49 CFR. We manufacture a couple cylinders under this exception for Fire Extinguishers and are getting conflicting reviews. We contacted Don Hilts with DOT in May of 2005 and his statement was as long as the cylinder meets the requirements of 173.309(a) we were in compliance with the exception. We have since contracted with a consultant that is stating we are not in compliance with the standard. I have attached the data sheet and drawings for your review as we would like clarification. Please let me know if you need any additional information. Thank you,



Richard Seaberg
Quality Assurance Manager