



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

MAR 09 2012

John A. Gioseffi
President
Broward Fire Equipment and Service Inc.
101 SW 6th Street
Fort Lauderdale, FL 33301

Ref. No. 12-0075

Dear Mr. Gioseffi:

This is in response to your email and conversation with a member of PHMSA's field operations staff concerning the requirements for fire extinguishers shipped by motor vehicle in conformance with § 173.309 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Fire extinguishers charged with a limited quantity of compressed gas are excepted from labeling and the specification packaging requirements if the cylinder is packaged and offered for transportation in accordance with § 173.309(a) through § 173.309(a)(3)(iv). One of those conditions requires the fire extinguisher to be shipped as an inner packaging.

You asked several questions regarding the applicability of the limited quantity exception to unpackaged fire extinguishers and the selection of a proper shipping name for a fire extinguisher that does not meet the limited quantity provisions. We have paraphrased and answered these questions below:

Q1. Does the practice of placing many fire extinguishers into a large fiberboard carton, a cage or a rack meet the condition of § 173.309(a) that requires fire extinguishers to be shipped as an inner packaging?

A1. The answer is yes. In the examples described above, the fire extinguisher is the inner packaging and the cage, rack or large fiberboard carton is the outer packaging. The outer packaging must be marked accordingly if intended for transportation.

Q2. Does strapping fire extinguishers into a vehicle meet the condition of § 173.309(a) that fire extinguishers be shipped as an inner packaging?

A2. No, however a person may transport by motor vehicle, fire extinguishers that are secured against shifting and protected against damage without an outer packaging in conformance the

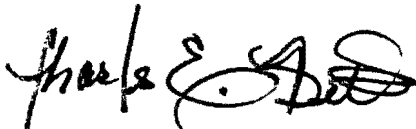
provisions § 173.6 provided the fire extinguishers meet the definition of material of trade in § 171.8.

Q3. If a fire extinguisher is not shipped as an inner package of a combination package, and the aggregate gross weight limit for the materials of trade exception is exceeded, how should these fire extinguishers be marked?

A3. Fire extinguishers that exceed the aggregate gross weight limits authorized by the materials of trade exception must be marked with the proper shipping name "Fire extinguishers" and the identification number "UN1044" and each cylinder must display the Division 2.2 label.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is stylized and cursive, with a large initial "C" and "B".

Charles E. Betts
Director
Standards and Rulemaking Division

cc: Norb Makowka, National Association of Fire Equipment Distributors

Here is Norb's email address NorbM@nafed.org.

Thanks for your assistance with this.

Rob

Leary
§ 173.309
Fire Extinguishers
12-0075

From: John Gioseffi [<mailto:jgioseffi@browardfire.com>]
Sent: Thursday, March 01, 2012 2:07 PM
To: 'Norb Makowka'
Cc: Streck, Stuart (PHMSA); DiGiacomandrea, Robert (PHMSA)
Subject: DOT News

To: Norb Makowka
Executive Director – Technical
National Association of Fire Equipment Distributors (NAFED)
122 South Michigan Ave., Suite 1040
Chicago, IL 60603
(312) 461-9600

Norb,

This past weekend, FFEDA hosted a training seminar in Ocala where we were fortunate to have two representatives from the U.S. Department of Transportation conduct a very interesting and informative presentation. They were Stu Streck, HAZMAT Safety Assistance Team, and Robert (Rob) DiGiacomandrea, Investigator. Both are out of the Southern Region Field Operations Office, located in Atlanta.

I can not adequately reflect how informative the presentation was. Both DOT representatives were very professional and responsive to our questions and concerns. They told the fire equipment distributors in attendance that some of the most common violations of 49 CFR that they see in the field during fire equipment facility inspections are using the correct hydrotest label format (NAFED has the solution to that problem) and fire extinguishers labeled as UN1066 "Nitrogen" instead of UN1044 "Fire Extinguisher." We requested whatever documentation they could share with the industry and Stu Streck followed-up with me earlier today to let me know that they currently have only an internal memorandum and that they are working on a document for general distribution that clarifies the UN1044 issue.

Stu Streck also informed me of a multi-modal seminar they have scheduled for the Atlanta area on June 19 – 20, where they are going to use part (second half) of the same information they presented for FFEDA in Ocala. I'm sure it will include information critical for NAFED members. I have cc'd both Stu Streck and Robert DiGiacomandrea on this email so you have their email addresses. The phone for Stu Streck in the Atlanta DOT office is (404) 832-1145. I'm sure they would welcome and encourage NAFED's attendance at their seminar.

Let me know if I can be of any assistance in "getting the word out."

John

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