



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**JUN 25 2012**

Mr. Tom Sauta  
Hydro-Test Products, Inc.  
85 Hudson Road  
Stow, MA 01775

Ref. No. 12-0087

Dear Mr. Sauta:

This responds to your April 4, 2012 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you state that cylinder retesters are confused in regard to the definition of a fire extinguisher under § 180.209(j). This section references Special Provision 18 in § 172.102(c)(1). Special Provision 18 provides certain conditions that a cylinder and extinguishing agent must meet for the combination to be used as a fire extinguisher, but the special provision does not provide a charged pressure limit for the cylinder. Specifically, you provide two scenarios involving slightly different DOT 4B specification cylinders and ask if they would meet the criteria to be requalified as a fire extinguisher under § 180.209(j).

The scenarios that you provide are restated below:

Scenario 1. A cylinder marked with DOT4B500 filled with a dry chemical extinguishing powder agent, Mon-Ammonium phosphate and pressurized with 350 psi of dry Nitrogen with a dew point of minus 52°F or lower. The cylinder has a water capacity of 18 pounds. The cylinder is used as part of a pre-engineered fixed fire extinguishing system. This is not being used as a hand operated portable fire extinguisher.

Scenario 2. Same as Scenario 1, but with a water capacity of 10 pounds.

Based on the information in your letter and provided that the cylinders that you describe comply with DOT 4B specification requirements, Special Provision 18, and other applicable requirements under the HMR (e.g., as specified in § 173.301(f) the cylinders must be fitted with a pressure relief device system), they meet the criteria in § 180.209(j) to be requalified as fire extinguishers. The cylinder with water capacity of 10 pounds must be requalified in accordance with § 180.209(j)(1)(i), and, the cylinder with water capacity of 18 pounds must be requalified in accordance with § 180.209(j)(1)(ii).

I hope this answers your inquiry. If you need additional assistance, please call this office at (202) 366-8853.

Sincerely,

Robert Benedict  
Chief, Regulations Development Branch  
Standards and Rulemaking Division

April 4, 2012

Boothe  
§172.102 SP18  
§180.209(j)  
§173.309

Definition of a Fire Extinguisher  
12-0087

**Mr. Charles E. Betts**  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
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**Re: Request for written interpretation**

There is confusion in the cylinder retest industry about the definition of a fire extinguisher. §180.209(j) *Cylinder used as fire extinguisher*, references back to Special Provision 18 in §172.102(c)(1), which does gives a definition of what a fire extinguisher is but does not address any charged pressure limits.

Please provide an answer to the following question pertaining to the re-qualification of the following cylinder specification;

**Cylinder #1:** DOT4B500 specification, filled with a dry chemical extinguishing powder agent, Mon-Ammonium phosphate and pressurized with 350 psi of dry Nitrogen with a dew point of -52°F or lower. The cylinder has a water capacity of 18Lbs. The cylinder is used as part of a pre-engineered fixed fire extinguishing system. This is not being used as a hand operated portable fire extinguisher.

**Cylinder #2:** Same as above but with a water capacity of 10 Lbs of water.

**Questions is:** Do these cylinders meet the criteria to be requalified as fire extinguishers under §180.209(j) ?

Thank you for your immediate attention to this question and I look forward to your reply.

Best Regards,

*Tom Sauta*

**Tom Sauta**  
Hydro-Test Products Inc.



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