



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

OCT 18 2012

Mr. Keith Mauer  
Donovan Marine, Inc.  
6545 Trade Center Drive  
Jacksonville, FL 32254

Reference No. 12-0160

Dear Mr. Mauer:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the transportation of "Fire extinguishers *containing compressed or liquefied gas*," UN1044. Your questions are paraphrased and answered as follows:

- Q1. Is a hazardous article that is described in accordance with the § 172.101 Hazardous Material Table (HMT) as "Fire extinguisher, 2.2, UN1044" considered a limited quantity under the HMR when being transported by highway or rail?
- A1. The answer is yes, provided the fire extinguisher meets the requirements in § 173.309(a) through (a)(3)(iv). The definition for "limited quantity" in § 171.8 states that "when specified as such in a section applicable to a particular material, means the maximum amount of a hazardous material for which there is a specific labeling or packaging exception." Therefore, a fire extinguisher that meets the limited quantity requirements in § 173.309(a) through (a)(3)(iv) meets the definition of limited quantity in § 171.8.
- Q2. Are such limited quantity shipments permitted to be marked with the limited quantity marking in accordance with § 172.315(a)?
- A2. For transportation by highway or rail, limited quantity shipments of fire extinguishers are permitted to be marked with the limited quantity marking in accordance with § 172.315(a).
- Q3. Are limited quantity packages of fire extinguishers eligible for the exception to the shipping paper requirement provided in § 172.200(b)(3)? I refer to a corrections letter, Reference Number 11-0189R, dated April 2, 2012, which states that limited

quantity packages of fire extinguishers are not excepted from shipping paper requirements and ask whether that letter is correct.

- A3. Limited quantity packages of fire extinguishers are not eligible for the exception to the shipping paper requirement provided in § 172.200(b)(3). The letter, Reference Number 11-0189R is accurate and corrects a previous interpretation letter, which indicated that limited quantities of fire extinguishers are excepted from shipping paper requirements.

For transportation by rail and highway, limited quantities of fire extinguishers are not excepted from shipping paper requirements. See § 173.309(a), which states that “Shipments also are not subject to subpart F of part 172 of this subchapter [placarding], to part 174 of this subchapter except § 174.24 [shipping papers] or to part 177 of this subchapter except § 177.817 [shipping papers]. Section 174.24 contains the requirements for shipping papers for rail; § 177.817 contains the shipping paper requirements for highway. As stated in the corrections letter, Reference Number 11-0189R, the shipping paper requirements specified in § 173.309(a) take precedence over the shipping paper exception for limited quantity packages in § 172.200(b)(3).

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in cursive script, reading "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name and title.

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

**Drakeford, Carolyn (PHMSA)**

McIntyre  
§173.309  
Fire Extinguishers  
12-0160

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, July 23, 2012 9:34 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Limited Quantities of Fire Extinguishers Clarification

Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

**From:** [kmauer@donovanmarine.com](mailto:kmauer@donovanmarine.com) [mailto:[kmauer@donovanmarine.com](mailto:kmauer@donovanmarine.com)]  
**Sent:** Monday, July 23, 2012 9:12 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** Limited Quantities of Fire Extinguishers Clarification

This e-mail is requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to UN 1044, Fire Extinguishers. I have called the Hazardous Materials Info center 1-800-467-4922 on 3 different occasions and asked if highway or rail shipments of fire extinguishers conforming to the requirements of § 173.309(a) meet the definition of limited quantity in § 171.8.

Response given was (yes, in order to qualify under the limited quantity provision, a fire extinguisher must meet the requirements contained in § 173.309(a). If the container is packaged and offered for transportation in accordance with § 173.309(a) the limited quantity provision applies.)

I also asked whether such shipments are permitted to be marked with the limited quantity marking in accordance with § 172.315(a) and are eligible for the exception to the shipping paper requirement provided in § 172.200(b)(3). Response given was (For domestic transportation, as defined by § 171.8, by highway or rail, such limited quantity shipments of fire extinguishers are permitted to be marked with the limited quantity marking in accordance with § 172.315(a). Yes, these packages are excepted from the shipping paper requirements in 172.200(b)(3).

I noticed a corrected Interpretation #11-0189R. Please advise back if this correction is correct. Our company has been shipping out according to the information given originally by the support team as well as by the original interpretation given in 11-0189 which we were advised to use that was originally published.

Best Regards

**Keith Mauer**

**Donovan Marine, Inc**  
**6545 Trade Center Drive**  
**Jacksonville, Fl. 32254**  
**Jacksonville Warehouse Manager**

**Hazardous Materials Coordinator**  
**Safety Coordinator**  
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