



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

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

MAR 27 2009

Mr. Josh Shea
DCMA Phoenix
40 N. Central Ave.
Phoenix, AZ 85004

Reference No. 09-0041

Dear Mr. Shea:

This is in response to your e-mail requesting clarification of the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to fire extinguishers transported with self-propelled vehicles. Specifically, you ask whether fire extinguishers may be transported in a container that is secured to the vehicle. You state that military vehicles will be transported via highway and that fire extinguishers will be packed in wooden boxes with metal bands securely attached to the vehicles.

I assume the military vehicles are being transported on another motor vehicle. Use of the fire extinguisher on the military vehicle is intended for the safety of the operator or passengers and is in conformance with § 173.220(e) when securely attached to the vehicle as described in your e-mail. Also note that the transport of hazardous materials in vehicles operated by military personnel solely for noncommercial, military purposes is not subject to the HMR. This also applies to the transport of hazardous materials by other government agencies. If the purpose is commercial or if the government entity offers hazardous materials for transportation to commercial carriers, then the HMR apply.

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

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mitchell".

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

Drakeford, Carolyn <PHMSA>

McIntyre
§ 173.220 (e)
§ 173.309

From: INFOCNTR <PHMSA>
Sent: Friday, February 20, 2009 3:33 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 – 173.476)

Fire Extinguishers
09-0071

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Friday, February 20, 2009 11:05 AM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 – 173.476)

Question: To use 173.220(e), for fire extinguishers in self-propelled vehicles, must the fire extinguisher be inside the vehicle or securely attached to the vehicle?

Situation: When transporting military vehicles over the highway, to prevent theft, 5lb hand held fire extinguishers are placed in a wooden box and metal bands secure the box to the vehicle.

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