



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

FEB 08 2013

Mr. Paul Dambek  
Hazardous Materials Trainer and Consultant  
HAZMATEAM  
12 Kimball Hill Rd.  
Hudson, NH 03051

Reference No.: 12-0211

Dear Mr. Dambek:

This is in response to your September 21, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask several questions concerning shipments of a DOT Specification 4BA cylinder in non-specification strong outer fiberboard boxes. Your questions are paraphrased and answered below:

Q1. When shipping a specification 4BA cylinder in a strong outer packaging (fiberboard box), please indicate which of the following package marking and labeling scenarios is, or are, correct:

#1. Cylinder- No hazard communication labels or marks Box- 2.2 label, UN 1044, FIRE EXTINGUISHERS, and OVERPACK markings

#2. Cylinder- 2.2 label, UN 1044 and FIRE EXTINGUISHERS markings Box- 2.2 label, UN 1044 FIRE EXTINGUISHERS, and OVERPACK markings

#3. Cylinder- No hazard communication labels or marks Box- 2.2 label, UN 1044, FIRE EXTINGUISHERS markings

#4. Cylinder- No hazard communication labels or marks Box- 2.2 label (Air Transport Only), and Limited Quantity Marking described in § 172.315

A1. The labeling and marking configuration in #2 above would be correct if the box was marked with an indication that the inner packagings conform to the prescribed specifications instead of the "OVERPACK" marking. Please note HM 215-K [Docket No. PHMSA-2009-0126 (HM-215K)] 78 FR 1116 clarified the requirements for limited quantity shipments of fire extinguishers.

Q2. When describing the cylinder in a box on a shipping paper, to comply with the requirement in § 172.202(a)(7) to indicate the number and type of package; which of the following packaging descriptions is, or are correct; cylinder, carton, or box.

A2. It is the opinion of this office that either box, or carton are the most appropriate descriptions of the number and kind of packages for describing cylinder shipped as inner

packages of fiberboard boxes. The definition of a package in § 171.8 is a packaging plus its contents. The use of a term like cylinder to comply with the requirements in § 172.202(a)(7) would indicate cylinders shipped without outer packaging. As several fire extinguishers may be shipped in one outer package, the use of the term cylinder and a corresponding number of cylinders offered for transport to comply with the requirements in § 172.202(a)(7) is not recommended.

Q3. May a 4BA cylinder ever be shipped by itself, without an outer packaging?

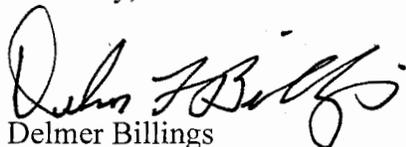
A3. No. The general requirements in § 173.301(a)(9) require 4BA cylinders to be packed in strong non-bulk outer packagings.

Q4. Section 173.301(a)(9) states that cylinders must be placed in an outer packaging and marked "inner packages conform to prescribed specifications". Is the use of the word "OVERPACK" allowed and equivalent to "inner packages conform to prescribed specifications"?

A4. No. The outer fiberboard box you mention in your letter is considered an outer package when transporting your 4BA cylinder and not an overpack. The package must be marked with a specific indication that the inner packagings conform to the prescribed specifications in accordance with § 173.301(a)(9).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,



Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division

# HAZMATEAM



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Webb  
§ 173.309  
§ 172.101  
Fire Extinguishers  
12-0211

September 21, 2012

Mr. Charles Betts  
Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
Attn: PHH-10  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590-0001

Dear Mr. Betts:

I am requesting a letter of interpretation on shipping a DOT Specification 4BA cylinder in a non-specification strong outer fibreboard box. Please consider the following package:

**Proper Shipping Name:** UN 1044, Fire Extinguisher, 2.2. This material is properly classified. The requirements of 49 CFR 172.102, SP 18 have been met.

**Cylinder:** Specification DOT 4BA cylinder, charged with 176 psig. Cylinder meets the applicable requirements of 49 CFR 178.51

## Questions:

- 1) When shipping the specification 4BA cylinder in a strong outer packaging (fibreboard box), please indicate which of the following package mark and labels scenarios is (are) correct:

### Scenario #1

Cylinder: No DOT hazard marks or labels;

Box: 2.2 label; "UN 1044, FIRE EXTINGUISHERS, OVERPACK"

### **Scenario #2**

Cylinder: 2.2 label; "UN 1044, FIRE EXTINGUISHERS"

Box: 2.2 label; "UN 1044, FIRE EXTINGUISHERS, OVERPACK"

### **Scenario #3**

Cylinder: No DOT hazard marks or labels;

Box: 2.2 label; "UN 1044, FIRE EXTINGUISHERS"

### **Scenario #4**

Cylinder: No DOT hazard marks or labels;

Box: 2.2 label (AIR ONLY); Limited Quantity Marking described in 172.315.

- 2) When describing the cylinder in a box on the shipping paper, to meet the requirements of 49 CFR 172.202 (a)(7), which of the following packaging description is (are) are correct: "Cylinder", "Carton" or "Box"?
  
- 3) May the 4BA cylinder ever be shipped by itself, without an outer packaging? 49 CFR 173.301 (a)(9) states that the cylinder must be placed in an outer packaging. However, 49 CFR 173.309 (b) does not reference 49 CFR 173.301.
  
- 4) 173.301 (a)(9) states that the cylinder must be placed in an outer packaging and marked "inner packages conform to prescribed specifications" Is the use of the word "overpack" allowed and equivalent to "inner packages conform to prescribed specifications"

If you have questions, do not hesitate to send e-mail to [paul@hazinateam.com](mailto:paul@hazinateam.com) or call 401-595-8395. Your assistance is greatly appreciated.

Sincerely,



Paul Dambek, CET

Hazardous Materials Trainer and Consultant