



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

APR 04 2014

Mr. Jon Stuart  
West Marine Products, Inc.  
500 Westridge Drive  
Watsonville, California

Ref. No. 13-0240

Dear Mr. Stuart:

This is in response to your December 11, 2013 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to personal flotation devices (PFDs). In your letter, you state that these PFDs are manually or automatically inflated using a small cylinder of carbon dioxide. These cylinders vary between 30ml and 50 ml in water volume, and have a carbon dioxide weight between 25 and 28 grams per cylinder. You further state these PFDs, equipped with these cylinders, are shipped in a small plastic sleeve attached to the PFD. You ask whether you can utilize the exception for life saving appliances provided in §§ 173.219(a) and 173.219(c)(5) for the PFDs described in your letter.

The PFD you describe in your letter containing a compressed carbon dioxide cylinder could be shipped under § 173.219 provided the appliances are packed in such a way that they cannot be accidentally activated. Section 173.219(c)(5) specifies that, Life-saving appliances containing no hazardous materials other than cylinders of Division 2.2 compressed or liquefied gases with no subsidiary risk, with a capacity not exceeding 120 mL, installed solely for the purpose of activating the appliance, are not subject to the provisions of this subchapter provided they are overpacked in rigid outer packagings with a maximum gross mass of 40 kg. For transportation by aircraft, such appliances must be transported as cargo and may not be carried onboard an aircraft by passengers or crewmembers in carry-on baggage, checked baggage, or on their person unless specifically excepted by §175.10. Therefore, provided your shipment meets all the requirements in § 173.219(c)(5), it would be eligible to utilize this exception.

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

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

**Drakeford, Carolyn (PHMSA)**

Andrews  
§173.219  
Cylinders

13-0240

**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, December 13, 2013 2:54 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 &dash; 173.476)

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation. The caller spoke with Michael Stevens on 12/12/13.

Thanks,  
Victoria

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

**From:** PHMSA Webmaster  
**Sent:** Wednesday, December 11, 2013 5:35 PM  
**To:** PHMSA HM InfoCenter; PHMSA Webmaster  
**Subject:** Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 &dash; 173.476)

My question is regarding shipment of certain personal flotation devices, (PFDs), which are manually or automatically inflated using a small cylinder of CO2. These cylinders vary between 30ml and 50ml in water volume, have CO2 weight of between 25 and 38 grams per cylinder.

PFDs equipped with these small cylinders of CO2 are shipped in a small plastic sleeve attached to the PFD, but are NOT ENGAGED in the release device until first use by the end Customer.

Can we ship these PFDs using the exception provided in Sec. 173.219(a) and 173.219(c)(5), reasoning that the cylinder is not attached to 'prevent accidental activation', but is still considered as an "integral part of the appliance?"

Jon Stuart

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