



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

NOV 25 2009

Mr. Luis Lopez  
President  
DGD Inc.  
1561 NW 82 Ave  
Doral FL 33126

Ref. No. 09-0242

Dear Mr. Lopez:

This is in response to your October 21, 2009 email requesting clarification on the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the transportation of oxygen cylinders and chemical oxygen generators on aircraft. On January 31, 2007, PHMSA published a final rule that amended the HMR applicable to the air transportation of cylinders containing oxygen and oxidizing gas and oxygen generators (HM-224B). Your questions are paraphrased and answered as follows:

Q1. Are fire extinguishers subject to the requirements in the HM-224B final rule?

A1. No. Fire extinguishers conforming to the provisions in § 173.309 are not subject to the requirements adopted in the HM-224B final rule.

Q2. Are cylinders exerting a pressure of less than 40.6 psia subject to the requirements in the HM-224B final rule?

A2. No. Under § 173.115(b), the definition of a Division 2.2 non-flammable, non-poisonous compressed gas, including an oxidizing gas, specifies that the material must exert in the packaging an absolute pressure 200 kPa (29.0 psig/43.7 psia) or greater at 20 °C (68 °F).

Q3. Are the requirements of the final rule applicable to shipments offered for transportation to an international location?

A4. Yes, when transported by aircraft. As provided in § 171.24, a package containing "Oxygen, compressed" or certain oxidizing gases must be packaged as required by Parts 173 and 178.

Q5. Are the requirements outlined in the final rule applicable to ground transportation in the United States?

A5. No. The requirements of the HM-224B final rule apply to the transport of oxygen, compressed and certain oxidizing gases by aircraft.

Q6. Do the requirements of the HM-224B final rule apply to empty oxygen cylinders or oxygen generators?

A6. No. See A2 above. Note, however, that spent chemical oxygen generators are forbidden aboard both passenger and cargo only aircraft.

Q7. Please verify that the requirements outlined in the HM-224B only apply to materials meeting the definition of a compressed gas as defined in § 173.115.

A7. See A2.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Charles E. Betts". The signature is written in a cursive style with a large initial "C" and "B".

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards

Leary  
 § 173.29  
 § 173.115  
 § 175.501

**Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, October 21, 2009 11:34 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Formal Letter of Interpretation Request from Luis Lopez DGD Inc. Miami FI 1561 NW 82 Ave Doral FI 33126

Cylinders / HM-224B  
 09-0242

**From:** Luis Lopez [mailto:luis.lopez@dgdeclaration.com]  
**Sent:** Wednesday, October 21, 2009 11:31 AM  
**To:** INFOCNTR (PHMSA)  
**Cc:** julius.sommerfeld@kuehne-nagel.com; rogerio.besouchet@kuehne-nagel.com; Philipp Maas  
**Subject:** Formal Letter of Interpretation Request from Luis Lopez DGD Inc. Miami FI 1561 NW 82 Ave Doral FI 33126

Good morning,

In light of the new HM 224 B Regulations, my company DGD Inc. is requesting a letter of interpretation, to answer the following questions that are being brought up to our company by our domestic and international customers.

1. Are Fire Extinguishers required to comply with the HM-224B Regulations? Do Fire Extinguishers Require ATA Cases?
2. Cylinders Below 40 PSI, do they meet the requirements to have to comply with HM-224B?
3. If a supplier is located in the U.S.A and he wants to ship internationally, would the new HM-224B Requirement be required? E.g. Pacific Precision is a supplier in Wisconsin, they are going to ship an Oxygen Generator to ABC Distributors in Brasil, is it required for the shipment to have an ATA Case coming outbound from Pacific Precision?
4. If ABC Distributors in Brasil wants to return a Oxygen Generator from Brasil as an import to Miami does the company in Brasil need to comply with the HM-224B Regulations since this is a USG Regulation? What happens at the Airlines if the shipment is not in compliance with HM-224B. Can it move Domestically? If it came in as an import not complying with HM-224B
5. If a manufacture is Shipping a cylinder be it Oxygen Compressed or Oxygen Generator are the HM-224B Regulations mandated only for Domestic Trucking? What about the cases when a shipment is going from Domestic to International?
6. If Oxygen Cylinders or Generator are Empty does this regulation apply?
7. The definition as defined in 49 CFR for Oxygen cylinders is below: Can you please verify that the HM-224 B Regulation would only be to cylinders that meet the standards set below, that if in any case one of the requirements below is not met that it would be a correct assumption that HM-224B does not apply.

Oxygen is a Division 2.2 gas and, as such, is only subject to the regulations when the pressure in the container (cylinder) equals or exceeds 280 kPa (40.6 psia) at 20 °C (68 °F) (see § 173.115(b)(1)). Therefore, oxygen cylinders where the pressure has been reduced to less than 280 kPa (40.6 psia) are not subject to the regulations and are considered to have been purged to the extent necessary for the purposes of § 173.29(b)(2)(ii). In addition, a completely empty cylinder (either new and never filled or purged of all its contents) is not subject to the packaging requirements adopted in this final rule (or to other transportation requirements in the HMR).

Thank you in advance for your time.

LDL

**Best Regards,**

**Luis Lopez**  
**President**



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**Luis Lopez' s Direct Extension: 703**

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10/21/2009