



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 05 2016

Oscar Enciso
GBLTSC Inc. an ENCISO Industries Co.
1551 NW 82 Avenue
Doral, FL 33126

Ref. No. 15-0234

Dear Mr. Enciso:

This responds to your November 20, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the contents of an emptied oxygen cylinder are subject to the HMR as a hazardous material.

No. In accordance with § 173.115(b), a Division 2.2 gas is a non-flammable, non-poisonous compressed gas that includes compressed gas, liquefied gas, pressurized cryogenic gas, compressed gas in solution, asphyxiant gas, and *oxidizing gas* (emphasis added). Therefore, the contents of a non-pressurized cylinder (a cylinder that exerts a gauge pressure of less than 200 kPa at 20 °C) that previously contained a Division 2.2 gas, including one with an oxidizer subsidiary hazard, no longer meets the definition of a Division 2.2 gas and is not subject to the requirements of the HMR. However, if a cylinder is marked to represent that it has been manufactured to a DOT specification or UN Standard in Part 178, it is still subject to all applicable requirements of Part 178 and continuing qualification and maintenance requirements of Part 180.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division