



U.S. Department
Of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 8 2007

Mr. Edward O'Brien
President, Fire Protection Certification
8719 Pete Wiles Road
Middletown, MD 21769

Ref. No.: 07-0070

Dear Mr. O' Brien:

This is in response to your March 27, 2007 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to fire extinguishers. Specifically, you ask if the non-specification fire extinguisher included with your written request meets the requirements of § 173.309.

The answer is no, the fire extinguisher does not conform to the provisions in § 173.309 and, when charged, may not be offered for transportation in commerce. Section 173.309(a)(3) provides that a non-DOT specification cylinder made after 1976 and used as a fire extinguisher must meet the specified requirements and be marked with the wording "MEETS DOT REQUIREMENTS". As stated in paragraph (a)(3), this marking is a certification that the fire extinguisher was manufactured in accordance with the specified requirements. The fire extinguisher included with your written request does not contain the certification marking.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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



070070

173.309

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Satterthwaite
§173.309
Fire Extinguishers
07-0070

March 27, 2007

US Department of Transportation
Pipeline and Hazardous Materials Safety Administration
400 Seventh Street, S W
Washington, DC20590

Attention Hattie L . Mitchell

Dear Hattie,

Included here is an empty 2 1/2 pound ABC dry chemical fire extinguisher manufactured by Strike First Corp. of Canada. My request for clarification is does this fire extinguisher meets the requirements of 49 CFR section 173. 309 fire extinguishers?

These fire extinguishers are being sold and shipped in the United States for distribution and placement in commercial buildings and vehicles. A number of bus and truck manufacturers are supplying these extinguishers on new units to meet DOT requirements.

My understanding is per 173.309 A fire extinguisher such as this Strike First would be manufactured as a four series specification unit or a non-specification cylinder marked with the words Meets DOT Requirements.

We contacted Strike First Corp. and they stated their extinguishers meet UL requirements and they did not need to meet DOT requirements.

I would appreciate clarification on this as we conduct HAZ-MAT training seminars for fire protection companies and I need to inform them on how to handle these units.

Sincerely

Edward O'Brien
Edward O'Brien
President