



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

JUL 26 2007

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

Mr. Jerry A. Shipman, MT-230  
Hazardous Materials Transportation Engineer  
Caterpillar Inc.  
500 North Morton Avenue  
Morton, IL 61550-0474

Ref. No.: 07-0127

Dear Mr. Shipman:

This is in response to your June 25, 2007 letter requesting clarification of the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to life-saving appliances. Specifically, you ask if § 173.219 requires a package that contains a self inflating life-saving appliance and hazardous materials authorized by § 173.219(b) to be marked with both "Life-saving appliances, self inflating" and "Life-saving appliances, not self inflating," or only "Life-saving appliances, self inflating."

A life-saving appliance typically contains small quantities of hazardous materials that are required for the appliance to be effective during use (§ 173.219(b)). For example, a self-inflating life vest used by boaters may contain flares and compressed oxygen; a non-self inflating survival kit used by hikers may contain strike-anywhere matches, electric storage batteries, and bear repellent. Hazardous materials cannot stand alone as life-saving appliances; however, they may be used to supplement an instrument or device that is designed to assist those in distress.

In accordance with the HMR, the description "Life-saving appliances, self inflating, UN2990" applies to self-inflating appliances and "Life-saving appliances, not self inflating, UN3072" applies to life-saving appliances that do not self inflate. The descriptions apply to the overall appliance rather than individual hazardous material used to supplement the appliance, such as those listed in § 173.219(b). Therefore, a life-saving appliance that is self-inflating and contains hazardous materials in addition to those required for self inflation (see above for example of self-inflating life vest) would be assigned the proper shipping name "Life-saving appliances, self inflating."

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

John A. Gale  
Chief, Standards Development  
Materials Standards



070127

173.219(b)

Supko  
 § 173.219(b)  
 Life-saving Appliance  
 07-0127

**Drakeford, Carolyn <PHMSA>**

**From:** INFOCNTR <PHMSA>  
**Sent:** Monday, June 25, 2007 12:37 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: packing instruction 173.219

**From:** Jerry A. Shipman [mailto:Shipman\_Jerry\_A@cat.com]  
**Sent:** Thursday, June 21, 2007 1:18 PM  
**To:** INFOCNTR <PHMSA>  
**Subject:** packing instruction 173.219

I have contacted various individuals within the DOT, Hazardous Materials Safety Administration and I have gotten various answers as to the interpretation as to how this rule reads. First and far most I was under the assumption that the proper shipping name and/or hazard class labels are to communicate the hazard of the hazardous materials, in relationship to packing instruction 173.219 life-saving appliances this is not the case so I am told by PHMSA. I am told that I can include a not self-inflating hazard in with a self-inflating hazard without using both proper shipping names. I only have to use the self-inflating proper shipping name and this covers my not self-inflating hazards, but if I ship Paint and Paint related material I must mark my package with both proper shipping names. I have not found in the regulations were it allows me not to mark the package to communicate all hazards with in the package. I thought that if I had A self-inflating and not self-inflating in one package I need to mark the package with both proper shipping names as I would have to do for Paint And Paint related material, thus the reason for both proper shipping names.

Problem number 2a, 173.219 allows for signal devices (class 1) to be included in life-saving appliances (class 9), There are signal devices which are 1.4G, these when shipped as signal devices are forbidden on passenger aircraft. When shipped under 173.219 as life-saving appliance (class 9) they can be placed on a passenger aircraft. These signal devices represent a not self-inflating hazard.

Problem number 2b, I am told that even though the regulations state that the hazardous material must be an integral part of the appliance. Meaning that the appliance can not operate properly without the hazardous material. I can include such signal devices into self-inflating appliances such as life-vests and life rafts without including my second proper shipping name. 173.219(b)(6) states that for self-inflating life saving appliances only cartridges of division 1.4S, for the purpose of the self-inflating mechanism. I was under the assumption that this is the only explosive that would be permitted to be packed with a self-inflating appliance as long as it is used to inflate the appliance. self-inflating appliance only apply to appliances were the hazard is if it accidentally inflates. my question is what happens when one not self-inflating hazards is accidentally activated. If it is OK to include not self-inflating appliances in with self-inflating appliance and not communicate the hazard of the not self-inflating, why do we need two different types of life saving appliances if this is OK why don't we just use the proper shipping name life-saving appliances.

If there are any questions regarding the information contained in this email please contact me.

Thank You,

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6/25/2007