



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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOTICE OF ENFORCEMENT DISCRETION REGARDING CYLINDERS THAT HAVE EXCEEDED THEIR PERIODIC REQUALIFICATION TEST DATE

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) understands that due to the flooding and damage caused by Hurricane Helene, many members of the medical and industrial gas industry may be experiencing difficulty in obtaining cylinders due to the increased demand for these gases or a disruption in the normal business model for cylinder exchange and testing facilities. This ongoing situation has made it difficult for the industry to consistently obtain cylinders which can be filled in accordance with the requalification provision specified in 49 CFR 173.301(a)(6).

PHMSA gives notice that it will not take enforcement action against any person for filling (during the period of this enforcement discretion) a DOT-specification cylinder used to transport Division 2.2 (non-flammable) gas that is overdue for periodic requalification by not more than 12 months. Any such cylinder must meet all other requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Depending on the cylinder type, periodic requalification is required at either a 5-year or 10-year interval. This enforcement discretion is in response to unprecedented flooding and damage caused by Hurricane Helene and is intended to minimize disruptions in the supply chain—especially those related to providing medical gases to the health care industry. This enforcement discretion has been coordinated with and endorsed by the Federal Motor Carrier Safety Administration. This relief applies only to transportation by motor vehicle and does not extend to transport by air, vessel, or railroad.

Prior to filling and offering for transportation, all cylinders must be inspected in accordance with the applicable Compressed Gas Association Pamphlet and DOT requirements. Any cylinder that does not pass the prefill inspection criteria must not be filled.

This notice is limited to the filling and offering of cylinders containing Division 2.2 (non-flammable) gases when such cylinders are no more than 12 months past their periodic requalification test date and within the States of Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. These cylinders must be in compliance with all other requirements of the HMR.

This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a temporary safeguard from Departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way. This notice of enforcement discretion will expire sixty days after the date of issuance.

Issued October 4, 2024, in Washington D.C.

A handwritten signature in blue ink that reads "William S. Schoonover". The signature is fluid and cursive, with a long horizontal stroke at the end.

William S. Schoonover
Associate Administrator
for Hazardous Materials Safety