



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

1200 New Jersey Avenue, SE
Washington, DC 20590

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

The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) understands that due to the Coronavirus Disease 2019 (COVID-19) public health emergency, many members of the medical and industrial gas industry may continue to experience difficulty in obtaining cylinders due to the increased demand for these gases or a disruption in the normal business model for cylinder exchanges. This has made it difficult for the industry to consistently obtain cylinders which can be filled in accordance with the requalification provisions specified in 49 CFR §§ 173.301(a)(6) and 180.209.

On April 6, 2020, PHMSA published a notice of enforcement discretion stating that it would not take enforcement action against any person who fills a DOT-specification cylinder used to transport Division 2.2 non-flammable gas provided the cylinder meets all requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) except that the cylinder is overdue for periodic requalification by no more than 12 months.¹ This enforcement discretion was in response to unprecedented changes in business practices related to COVID-19 and was intended to minimize disruptions in the supply chain, especially those related to providing medical gases to the health care industry. This relief applies only to transportation by motor vehicle, and does not extend to transport by air, vessel, or railroad.

Therefore, PHMSA gives notice that it will continue to not take enforcement action against any offeror or carrier offering or transporting cylinders in accordance with the April 6, 2020 Notice of Enforcement Discretion. This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a 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 Extension of Enforcement Discretion is effective through October 31, 2020.

Issued July 2, 2020, in Washington D.C.

William S. Schoonover
Associate Administrator
for Hazardous Materials Safety

¹ See April 6, 2020, enforcement discretion at: <https://www.phmsa.dot.gov/news/phmsa-notice-enforcement-discretion-cylinders>