



Member Alert

7 October 2024

DOT PROVIDES REGULATORY RELIEF FOR CYLINDER REQUALIFICATION AND DRIVER HOURS OF SERVICE

This GAWDA Member Alert is issued to continue to inform GAWDA members of considerations concerning Hurricane Helene.

As a result of the devastation from Hurricane Helene, the Pipeline and Hazardous Materials Safety Administration has issued a [Notice of Enforcement Discretion](#) to allow the filling, offering and transportation of Division 2.2 (non-flammable) gases in cylinders that are out of retest for up to 12 months, under certain conditions.

The Notice provides that PHMSA 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 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 (49 CFR Parts 171-180).

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 relief is limited to the filling and offering of cylinders containing Division 2.2 (non-flammable) gases within the States of Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

This relief is available for 60 days, through December 3, 2024.

This information was developed to assist GAWDA members in complying with government regulations; it does not constitute legal advice, and users are advised to obtain legal counsel to develop their individual compliance programs. Additionally, GAWDA does not guarantee that use of this material will ensure compliance with any regulatory or legal standard.

In addition, the U.S. Department of Transportation has activated a Routing Assistance Hotline for Hurricane/Tropical Storm Helene responders. The Hotline supports the movement of Federal, State, Local, Tribal, and Territorial response personnel, equipment, and goods by providing recommended safe routes using a variety of data sources. The Hotline is for FSLTT response personnel, as well as their contractors, conducting relief missions. To reach the Hotline please call **833-99-ROADS** or **833-997-6237**.

The White House has also published a [Fact Sheet](#) on the Administration's ongoing disaster response efforts.

There are also a number of Emergency Declarations by State related to the storm damage which provide relief from driver hours of service requirements for direct assistance in hurricane relief efforts:

- **[Georgia](#)**: GA EO 09.24.24.01 Tropical Storm Helene
- **[Kentucky](#)**: Kentucky Declaration of Emergency No. 113789 Tropical Storm Helene
- **[North Carolina](#)**: North Carolina Executive Order 315 for Tropical Storm Helene
- **[South Carolina](#)**: South Carolina Executive Order 2024-24 for Hurricane Helene
- **[Tennessee](#)**: Tennessee Executive Order No. 105 for Hurricane Helene
- **[Virginia](#)**: Virginia Executive Order 37 (2024) due to Hurricane Helene
- **[West Virginia](#)**: West Virginia Governor Proclamation for Hurricane Helene

For additional information please contact GAWDA Government Affairs Consultant Rick Schweitzer at (703) 946-2548 or rpschweitzer@rpslegal.com.

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