

Satherthwaite  
§171.7  
Applicability  
08-0082

**Hattie Mitchell, Chief**  
Office of Hazardous Materials Standards  
Regulatory Review and Reinvention  
400 7<sup>th</sup> Street S.W.  
Washington, DC 20590

**Subject: Request for written interpretation on CGA pamphlets under §171.7**

Please provide a written interpretation on the above referenced subject as it pertains to cylinder requalifiers. In a letter written to your office in 2004 from Hydro-Test Products Inc., I asked if the latest editions of the Compressed Gas Association (CGA) were acceptable in place of the cited edition. In a phone call made to you, inquiring on the status of the answer to this question, I was verbally told that inspectors allow the use of the latest editions. Your reasoning, which I agree with, was that the latest editions incorporate the same verbiage of the cited editions and therefore were acceptable. I never did receive a written formal interpretation on that request from you.

It has now come to our attention that the enforcement group of OHM are citing violations to our customers for having the latest editions of these pamphlets and not the cited edition.

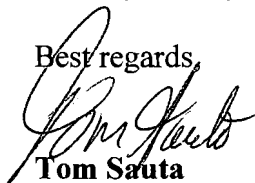
Also, there are many independent authorized inspectors that during the required 5 year renewal are advising the cylinder requalification facility that they recommend the latest edition of these pamphlets. There have also been instances where OHM enforcement personnel have told cylinder requalifiers that they "want to see" the latest edition(s) of these pamphlets at the requalifiers facility.

**I am requesting a written response to these questions:**

- 1) Is it acceptable to have the latest editions of the required CGA pamphlets in place of the cited editions in §171.7 if the latest edition is not the cited edition ?
- 2) Should independent inspectors and enforcement inspectors be allowed to demand or suggest that the facility have the latest edition of the required CGA pamphlet(s) if they are not the same as the cited edition ?

Thank you for your attention to this request. I am looking forward to your reply.

Best regards,



**Tom Sauta**  
Hydro-Test Products Inc.



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U.S. Department  
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**Pipeline and Hazardous  
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MAY 13 2008

Mr. Tom Sauta  
Hydro-Test Products, Inc.  
85 Hudson Road  
Stow, MA 01775

Ref. No.: 08-0082

Dear Mr. Sauta:

This is in response to your March 14, 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding cylinder requalification. Your questions are paraphrased and answered below.

Q1: Do the HMR allow for a cylinder requalifier to have and use the most current edition of a referenced CGA publication when the referenced CGA publication in § 171.7 is an older edition?

A1. Yes. Sections 107.805(f) and 180.215(a)(6) specify that each cylinder requalifier must be trained and have “the information contained in each applicable CGA or ASTM standard incorporated by reference in § 171.7 of this subchapter applicable to the requalifier’s activities.” Therefore, the requalifier does not need the actual CGA publication referenced as long as the requalifier has a document that contains the same information as the referenced CGA publication, which may include an updated version.

Q2: Is a requalifier required to have the latest edition of a required CGA publication if it is not the same as the cited edition?

A2. No. The requalifier is required to have the information contained in the referenced CGA publication as stated in A1 above.

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