

EVIDENCE OF OWNERSHIP OF COMPRESSED GAS CYLINDERS

Hazardous Materials Regulations of the U.S. Department of Transportation (DOT) in Title 49 of the U.S. *Code of Federal Regulations* (49 CFR) Part 173.301(e) states that a cylinder filled with a hazardous material may not be offered for transportation unless it was filled by the owner of the cylinder or with the owner's consent [1].¹ Similar regulations issued by Transport Canada (TC) are applicable in Canada. The *Transportation of Dangerous Goods Regulations*, Clause 5.10(1), refers to CSA B340, *Selection and Use of Cylinders, Spheres, Tubes, and Other Containers for the Transportation of Dangerous Goods, Class 2*, Clause 5.1.1, which specifies that containers shall not be filled without the consent of the owner of the containers [2, 3].

A facility, before filling a cylinder for shipment, is required to have the owner's consent to fill the cylinder and to ensure that the cylinder is qualified for filling under the regulations. The facility is responsible for ensuring that the filler properly inspects the condition of the cylinder before filling.

CGA P-1, *Standard for Safe Handling of Compressed Gases in Containers*, states that cylinders (containers) shall not be filled except by the owner or with the owner's consent, and then only in accordance with the regulations of DOT and TC [4]. One of the following methods should be used to indicate cylinder ownership and authorization to fill cylinders:

1. Cylinder is owned by the company filling the cylinders as verified by ownership markings or registered symbols that appear, for example, on a neck ring or stamped into the cylinder;
2. A listing of cylinder ownership markings or registered symbols available at the cylinder filling plant that identifies cylinders as being acceptable for filling based on previously obtained authorization from the owners of the cylinders;
3. A signed statement by the owner, or by a representative of the owner, stating that they own the cylinder offered for filling;
4. A bill of sale or invoice identifying the serial numbers of the cylinders offered for filling that are presented by the owner or representative of the owner;
5. A cylinder may be contracted by a receiving party to a third (or fourth, fifth, etc.) party for filling provided that the receiving party complies with 1, 2, 3, or 4. The receiving party is the entity that receives the empty cylinders for filling; or
6. Customer-owned empty cylinders, commonly known in the industry as "exchange" or "sold" cylinders, may, with the owner's knowledge, and at the option of the filling location, be exchanged for full cylinders of the same type and contents without requiring a signed statement. Exchange cylinders are typically small liquefied petroleum gas, oxygen, acetylene cylinders, and cylinders with blank or no neck rings.

¹ The *Federal Hazardous Materials Transportation Law* (49 U.S.C.) provides that whoever knowingly commits an act which is a violation of any order or regulation, applicable to any person who transports, or causes to be transported, or shipped hazardous materials, shall be subject to a civil penalty of not more than \$50,000 and not less than \$250 for each violation. A person is guilty of a criminal offense if he willfully violates a provision of this title or an order or regulation issued under this title. Upon conviction, a person shall be fined or imprisoned for not more than 5 years, or both; except that the maximum amount of imprisonment shall be 10 years in any case in which the violation involves the release of a hazardous material that results in the death or bodily injury to any person.

References

Unless otherwise specified, the latest edition shall apply.

[1] *Code of Federal Regulations*, Title 49 (Transportation) Parts 100-180, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401. www.gpo.gov

[2] *Transportation of Dangerous Goods Regulations*, Transport Canada, Publishing and Depository Service, Public Works and Government Services Canada, Ottawa, ON K1A 0S5, Canada. www.tc.gc.ca

[3] CSA B340, *Selection and Use of Cylinders, Spheres, Tubes, and Other Containers for the Transportation of Dangerous Goods, Class 2*, Canadian Standards Association, 5060 Spectrum Way, Mississauga, ON L4W 5N6, Canada. www.csa.ca

[4] *CGA P-1, Standard for Safe Handling of Compressed Gases in Containers*, Compressed Gas Association, Inc., 14501 George Carter Way, Suite 103, Chantilly, VA 20151. www.cganet.com

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NOTE—No technical information has been changed from the 2009 edition. This reaffirmed edition may include minor editorial changes.

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