



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

1200 New Jersey Avenue, SE
Washington, DC 20590

March 27, 2024

Aniyah Volpe
Shipping Administrator Coordinator
Airborne Labs International, Inc.
22C World's Fair Drive
Somerset, NJ 08873

Reference No. 23-0096

Dear Ms. Volpe:

This letter is in response to your October 26, 2023, email and subsequent conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to customer shipments of carbon dioxide (CO₂) sent to your company laboratory for quality control testing of a liquid CO₂ source. Specifically, your company provides sampling kits, accompanied by specific instructions, for the collection and shipment of non-liquid phase CO₂ in bags and mini-cylinders. You note that the CO₂ samples collected in the sample bags are essentially at atmospheric pressure, and the CO₂ in the sample mini-cylinders is at 25 psig or less, where the mini-cylinders incorporate a check valve to limit the pressure of the contents. It is your understanding, based on the classification criteria for Division 2.2 gases, that CO₂ transported in containers at these pressures is not regulated as a hazardous material and request confirmation.

Your understanding is correct. While CO₂ is listed in the § 172.101 hazardous materials table as a Division 2.2 gas, the CO₂ as described in your email does not meet the definition of a Division 2.2 gas when transported in a container at pressures below 29.0 psig at 68 °F (20 °C), nor is it transported as a liquified gas or cryogenic liquid (see § 173.115(b)). Furthermore, it would remain not regulated, provided that it does not meet the criteria for a hazardous waste, hazardous substance, marine pollutant, or any other hazard class or division.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division