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RSPA-1995-12668-1



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November 15, 1994

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**U. S. DEPARTMENT OF TRANSPORTATION**  
Administrator, RSPA  
440 - 7th Street SW  
Washington, DC 20590

**SUBJECT: Rulemaking Petition**

Dear Sir:

Amerex Corporation requests that 49CFR, paragraph 173.309 (a)(3)(iv) be revised such that the Department of Transportation assumes responsibility for the retest/requalification requirements of the cylinders specified in section 173.309 (a)(3). Currently, the regulations require that these non-specification cylinders be in compliance with OSHA, 29 CFR 1910.157.

The current regulations are inconsistent in the treatment of specification cylinders used as fire extinguisher (i.e. those in 173.309[b]) versus the non-specification cylinders. The inconsistency for requalification of the cylinders specified in 173.309(a) versus those in 173.309(b) is unwarranted. In the past, the DOT has acted to revise the regulations so that the retest requirements of all low pressure fire extinguishers were equal by creating 173.309(b) and 173.34(e)(18). With the interpretation of requiring proof pressure testers to hold a Retesters Identification Number, the inequity of non-specification cylinders vs. specification cylinders has appeared again, with the non-specification cylinders receiving favorable treatment since retesting of non-specification cylinders does not require a retesters identification number.

We are aware of an effort to re-write of section 173.34(e) which will to cite CGA pamphlet C-1 for hydrostatic retest procedures. As we understand the re-write, it will add new requirements on the quality and accuracy of test gauges and equipment, and also require daily verification of proof pressure test equipment accuracy. We support the proposals contained in CGA C-1, and their incorporation into section 173.34(e).

It should be noted that the retest requirements for fire extinguishers in 29 CFR 1910.157, nor NFPA-10, Standard for Portable Fire Extinguishers, do not contain any requirements for accuracy of test gauges, calibration of gauges at a specified interval, the use of master gauges, referee gauges, or dead weight testers, periodic verification of hydrotest equipment accuracy, a retesters identification number from RSPA, nor a recommendation from a third party inspection agency. We submit that non-specification cylinders should be retested with the same quality of test equipment and procedures as specification cylinders.



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A proposed wording for the revision to 173.309(a)(3)(iv) is as follows:

(iv) The cylinders must be retested in accordance with 173.34 (e)(xx).

A new paragraph will be required for 173.34 as follows:

173.34(e)(xx) Non-specification cylinders used as fire extinguishers in compliance with 173.309(a) are authorized to be retested in accordance with this paragraph. As part of the periodic retest, the retester must perform an external and internal visual inspection in accordance with CGA Pamphlet C-6. Cylinders are to be tested by the proof pressure method every 12 years. The cylinders must be carefully examined while under the test pressure marked on the extinguisher label, not to exceed 720 psig. Cylinders which satisfactorily pass the proof pressure test shall be marked with the date of the retest (month and year) followed by the letter "S" or by the use of a non-transferable, abrasion resistant label with the following information: a) month and year of retest date; b) test pressure used; c) name or initials of person performing the test, and the name of the test agency, including retesters identification number.

In all fairness, fire extinguisher retesters should be given at least one year from the date of publication of the new requirements for compliance. The proposed changes represent a significant change from the current practice, but are needed to assure consistency and accuracy of test equipment and procedures.

If you have any questions regarding this petition, or need any additional information, please contact Mr. Fred Goodnight at 205-655-3271.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fred Goodnight".

Fred B. Goodnight  
Vice President Engineering

FBG/ja

cc: Ms. Hattie Mitchell - DOT  
Mr. E. K. Paine - AMEREX