



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

Mr. Eric M. Smith, P.E.  
Vice President and Technical Director, IIAR  
1001 North Fairfax Street  
Suite 503  
Alexandria, VA 22314

Dear Mr. Smith:

This letter responds to your July 6, 2016, petition for rulemaking (P-1677) requesting changes to the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) applicable to portable and mobile refrigeration systems. Specifically, your petition asks the Pipeline and Hazardous Materials Safety Administration (PHMSA) to delete provisions in § 173.5b, as you believe the safety aspects covered by these requirements should be regulated solely by the U.S. Occupational Safety and Health Administration (OSHA) and the U.S. Environmental Protection Agency (EPA). Your petition states that while these revisions would eliminate many conflicting and duplicative requirements, certain HMR regulations would still apply to the safe preparation and transportation of portable and mobile refrigeration systems. Your petition further asks for the continued use of portable and mobile refrigeration systems placed into service prior to June 1, 1991, if their components are rated to a design pressure of 250 pounds per square inch (psig).

The PHMSA has assessed the merits of your petition under 49 CFR part 106 and determined that your petition identifies reasonable concerns justifying consideration in a future rulemaking with respect to the following two issues: (1) the continued use of portable and mobile refrigeration systems placed into service prior to June 1, 1991, that still meet requirements in § 173.5b(b) and (2) the revision of § 173.5b(b)(6) to allow portable and mobile refrigeration systems to be kept in service provided their components are designed for a maximum allowable working pressure of 250 psig.

The PHMSA disagrees, however, that OSHA and EPA should be the sole regulators of portable and mobile refrigeration systems and is, therefore, denying this portion of your petition. Although OSHA and EPA regulate some aspects of portable and mobile refrigeration systems, the systems contain hazardous materials and are operated on public highways. As such, PHMSA is responsible for ensuring that they are offered for transport and transported in a safe manner. Specifically, the HMR ensure that these pressure vessels meet safety requirements, such as the inspection and testing requirements of § 173.5b(d).

Additionally, PHMSA conducted a review of American National Standards Institute (ANSI)/ International Institute of Ammonia Refrigeration (IIAR) 2-2014, which is the standard for the safe design of closed-circuit ammonia refrigeration systems. The review indicated that the ANSI/IIAR 2-2014 marking requirements for piping in the refrigeration systems are not significantly different from those in the HMR. This standard also provides a different perspective regarding pressure relief devices, which are an essential part of a safe pressurized system, as required by § 173.5b(a)(3).

All correspondence pertaining to this petition will be transferred to the petition docket (Docket No. PHMSA-2016-0085). You may comment on the petition in accordance with the procedures specified in part 106, subpart B. If you have any questions, please contact Mr. Steven Andrews in the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in blue ink that reads "William S. Schoonover". The signature is fluid and cursive, with a long horizontal stroke at the end.

William S. Schoonover,  
Associate Administrator for Hazardous Materials Safety  
Pipeline and Hazardous Materials Safety Administration