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**PHMSA Request for a Letter of Interpretation (LOI 25-0046)**

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**From** Jacobson, Noah (PHMSA) <noah.jacobson@dot.gov>

**Date** Fri 5/2/2025 10:47 AM

**To** Paul Zajicek <paul@nationalaquaculture.org>

**Cc** Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>

Dear Mr. Zajicek,

PHMSA's Letter of Interpretation 10-0123 dated 07/08/2010, which states that the use of liquefied cryogenic oxygen to oxygenate live fish tanks in transportation is considered a process system and qualifies for the exceptions in § 173.320(b)(2), continues to be accurate. PHMSA continues to consider the oxygenation of live fish tanks as a process system, and therefore if cryogenic oxygen is being used, the exceptions in § 173.320(b)(2) would continue to apply. The 2010 letter also remains valid in that if non-liquefied compressed oxygen is being used, § 173.302(c) authorizes the oxygenation system to be offered for transportation, and the shipment must fully comply with the requirements of the HMR.

Best,

Noah Jacobson

**Noah Jacobson**

Transportation Regulatory Specialist, Office of Hazardous Materials Safety  
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US Department of Transportation

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

1200 New Jersey Ave, SE  
Washington, D.C. 20590

JUL - 8 2010

Mr. Sam Cook  
Product Manager  
Cart, Inc.  
1300 Airport Drive  
Ballground, GA 30107

Ref. No.: 10-0123

Dear Mr. Cook,

This letter responds to your June 8, 2010 email regarding the transport of live fish under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you request confirmation on the use of DOT 4L cylinders to continuously feed tanks containing live fish.

As provided by § 173.302(c), an authorized cylinder containing oxygen continuously fed to tanks containing live fish may be offered for transportation and transported in accordance with the HMR. Cylinders containing non-liquefied compressed oxygen must be offered for transport in accordance with the requirements of §§ 173.301, and 173.302. Refrigerated liquefied oxygen must be offered for transport in accordance with the requirements of § 173.316. **Authorized cylinders containing oxygen, refrigerated liquid, used to supply oxygen to tanks for the transport of live fish, are considered an integral part of a process system and are excepted from the HMR under 173.320(b)(2).**

I hope this answers your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards