



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

JUN 16 2003

Mr. Wes Ware, BS, RRT, NREMT  
Arkansas Children's Hospital  
Angle One Transport  
800 Marshall Street  
Little Rock, Arkansas 72202

Ref No.: 03-0018

Dear Mr. Ware:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), regarding the transportation of compressed gases cylinders by aircraft. Specifically, you request confirmation that cylinders of compressed gases, necessary to protect the life and treat patients who are being transported on a stretcher in an ambulance, may be transported under the provisions in § 175.10(a)(14).

The answer to your question is no. As specified in § 175.10(a)(14), a transport incubator unit necessary to protect life or an organ preservation unit necessary to protect human organs is excepted from the HMR provided: (1) the compressed gas used to operate the unit is in an authorized DOT specification cylinder and is marked, labeled, filled and maintained as prescribed by the HMR; (2) each battery used in the operation of the unit is of the non-spillable type; (3) the unit is constructed so that valves, fittings, and gauges are protected from damage; (4) the pilot in command is advised when the unit is on board, and when it is intended for use; (5) the unit is accompanied by a person qualified to operate it; (6) the unit is secured in the aircraft in a manner so as not to restrict access to or use of any required emergency or regular exit or of the aisle in the passenger compartment and; (7) there is no smoking within 10 feet of the unit.

It is the opinion of this office that a patient that is being transported aboard an air ambulance on stretcher, is not being transported in a transport incubator, and, therefore the exception in § 175.10(a)(14) does not apply. However, § 175.10(a)(7) excepts from the HMR oxygen, or any hazardous material used for the generation of oxygen, for medical use by a passenger, which is



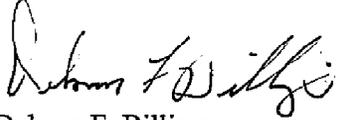
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175.10(a)(14)

furnished by the aircraft operator in accordance with 14 CFR §§121.574 or 135.91. Therefore, cylinders of supplemental oxygen for medical use by a passenger, which are furnished by the aircraft operator in accordance with § 175.10(a)(7), are not subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



Relevford  
\$175.10(a)(14)  
Air Exceptions  
03-0018

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Mr. Edward Mazzullo  
Office of Hazardous Materials Standards

Dear Sir,

I have been conversing with the people at the Hazardous Materials Information Center, as well as the people at the Exemptions Branch. They were very helpful in answering my questions and pointing me in the right direction. They informed me that I need to talk to you or someone in your office and get a letter of clarification.

I would like a clarification/interpretation on Title 49 CFR 175.10 section A(14). This exemption deals with using a transport incubator on an aircraft that is necessary to protect life. It goes on to talk about using compressed gases that are used to operate that incubator and in turn provide medical treatment to the patient.

The clarification I am seeking deals with using compressed gases necessary to protect life and treat patients in an air ambulance. The difference is that not all the patients we transport are in an incubator. Many of them are on a stretcher that is secured inside the aircraft the same way an incubator is. Does Title 49 CFR 175.10 section a (14) also apply to stretchers?

We do not transport compressed gasses for commerce. We transport compressed gases in the cabin of our air ambulances and ground ambulances for the purpose of treating critically ill people.

If you need more information or have other questions please contact me.

Thank You

  
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