



Attn: Bradley Baker
Program Manager, Resource Management Program
Maryland Department of the Environment
Sent via email: bradley.baker1@maryland.gov, mde.epr@maryland.gov,
shannon.mcdonald@maryland.gov

From: David Keeling, Executive Director, Pressurized Cylinder Industry Association
Date: July 15, 2026

RE: Exemption Request for Pressurized Cylinders Under COMAR 26.04.14.02B(16)(k)

Based on the recently released 'Compliance Guide for Regulations COMAR 26.04.14', on behalf of our producer members, we would like to formally request an exemption for all refillable and non-refillable pressurized cylinders supplied to covered entities.

The [Pressurized Cylinder Industry Association](#) was incorporated in June 2023 to represent the interests of pressurized cylinder brands and producers in the development of extended producer responsibility legislation. PCIA is made up of leading brands supplying both refillable and non-refillable pressurized cylinders to US consumers, including Cascade Designs, Inc., The Coleman Company Inc., Johnson Outdoors Gear Inc., Manchester Tank, Sterno Group LLC, Worthington Enterprises, and YSN Imports.

COMAR 26.04.14.02B(16)(k) exempts primary packaging used to contain hazardous or flammable products regulated by the 2012 OSHA Hazard Communication Standard ([29 C.F.R. §1910.1200](#)) when those regulatory requirements prevent the packaging from being waste reduced, reusable, recyclable, or compostable, as determined by the Department. A combined exemption request is provided for the range of cylinders covered by the legislation (e.g., refillable and non-refillable) given the exemption considerations are consistent across formats, sizes and gas types.

The attached analysis provides the rationale for the Maryland Department of Environment to provide this exemption:

Sincerely,

A handwritten signature in black ink, appearing to read "David Keeling".

David Keeling, Executive Director
Pressurized Cylinder Industry Association
E: davidkeeling@cylinderindustry.org
T: 414-630-9382

Justification for Exemption of Pressurized Cylinders Under COMAR 26.04.14.02B(16)(k)



Maryland statute provides an exemption for primary packaging used to contain hazardous or flammable products regulated by the 2012 OSHA Hazard Communication Standard ([29 C.F.R. §1910.1200](#)) when those regulatory requirements prevent the packaging from being waste reduced, reusable, recyclable, or compostable, as determined by the Department. The following table demonstrates the applicability of this exemption to pressurized cylinders.

	Criteria for Exemption	Description	Application to Pressurized Cylinders
1	The product is regulated under OSHA's 2012 Hazard Communication Standard (29 C.F.R. §1910.1200)	The product contained in the packaging is classified as a hazardous chemical, hazardous material, flammable gas, compressed gas, or other hazard category requiring OSHA-compliant hazard communication, including Safety Data Sheets (SDSs), hazard statements, signal words, and GHS pictograms.	Pressurized cylinders are classified by the Department of Transportation (DOT) as hazardous materials ¹ and may contain flammable materials. As a result, these products require OSHA/GHS hazard classifications, labels, pictograms, and associated hazard communication elements ² .
2	Federal health and safety regulations prescribe packaging design, performance, handling, or transportation requirements that are necessary for safe	Federal requirements governing the hazardous product dictate material specifications, structural integrity, wall thickness, pressure ratings, testing requirements, markings, transportation requirements, or other safety-related packaging characteristics. As	Title 49 of the Code of Federal Regulations ³ defines hazardous materials, outlines transportation requirements by hazardous material type, and dictates the design of the packaging (e.g., pressurized cylinder) containing the hazardous material, including the cylinder material, wall thickness

¹ The hazard class is determined by DOT definition in [49 CFR 173.115-141](#); most pressurized cylinders are defined as Hazard Class 2.1 flammable or 2.2 non-flammable, depending on the type of gas they contain.

² Labeling requirements are outlined in the [OSHA standard](#). Each container must be labeled with the following: product identifier; signal word; hazard statement(s); pictogram(s); precautionary statement(s); name, U.S. address, and U.S. telephone number of the responsible party.

³ See [49 CFR 178.35-178.75 Subpart C Specifications for Cylinders](#)



	containment of the product	a result, the packaging serves a safety-critical function beyond that of conventional consumer packaging.	and strength to ensure safe storage and transportation.
3	Those federal requirements prevent the packaging from being waste reduced, reusable, recyclable, or compostable	Compliance with the applicable federal requirements limits the ability to redesign the packaging, reduce material usage, implement reuse systems, or manage the packaging through conventional recycling or composting infrastructure.	Federal safety requirements for pressurized cylinders make waste reduction, reuse, recycling, or composting impractical or unreasonable because compliance would impose disproportionate engineering changes, specialized infrastructure, substantial additional costs, and increased safety risks. DOT regulations specify the material type and wall thickness for pressurized cylinders⁴, directly preventing meaningful waste reduction. Reducing material content would compromise compliance, diminish safety margins, and require additional containers to deliver the same quantity of product. In addition, pressurized cylinders are considered full⁵ even when they contain only residual contents. As a result, they are generally not considered

⁴ For example, [178.65 Specification 39](#) non-reusable (non-refillable) cylinders specifies materials of construction and minimum wall thickness.

⁵ [DOT 40 CFR Section 261.7](#) designates a container holding compressed gases as empty when it approaches atmospheric pressure. This occurs when a cylinder has been punctured or the valve has been removed.



			recyclable in conventional curbside recycling systems. Instead, specialized handling, segregation, transportation, permitting, or processing is necessary due to residual hazards or pressurization. While some cylinders are refillable, refillability depends on dedicated return logistics and specialized filling infrastructure regulated under federal law. For certain types of cylinders, these systems are uneconomical and undesirable to consumers.
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Consistency with Other State Packaging EPR Programs Supports Exempting Pressurized Cylinders

Maryland's implementation of this exemption should also be informed by the broader regulatory landscape. California's packaging EPR program, established under SB 54, excludes packaging used to contain hazardous or flammable products regulated by OSHA's 2012 Hazard Communication Standard (29 C.F.R. § 1910.1200) from the definition of covered material.

Harmonization across state packaging EPR programs supports the efficient implementation of producer responsibility systems. As additional states adopt packaging EPR legislation, consistent interpretations of common statutory exemptions reduce confusion, facilitate compliance, and improve program administration while preserving the public safety protections established under federal OSHA and DOT regulations.

Conclusion

The exemption in Maryland's statute allows for consideration of certain federally regulated packaging, such as pressurized cylinders, that serve an essential safety function and consequently limit opportunities for redesign, and conventional end-of-life management.

Accordingly, pressurized cylinders qualify for exemption RCW 70A.208.020(19)(j) because (1) they are regulated under OSHA's 2012 Hazard Communication Standard, (2) federal safety requirements



govern their design and (3) the governing DOT specifications prevent practical implementation of material reduction, reuse or recyclability within the packaging EPR management system.

In addition, adopting a similar interpretation of this exemption to California would provide regulatory consistency, administrative efficiency and predictability for consumers for a nationally distributed and regulated product.