

Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Carbon Capture Device



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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a January 3rd Interpretive Letter the applicability of the federal Hazardous Materials Regulations ("HMR") to a device designed to a carbon capture device. See Reference No. 24-0126.

PHMSA was responding to a December 20, 2024, request for clarification from Remora Carbon ("RC").

RC stated that it had develop a device designed to capture carbon dioxide that would be attached to a locomotive. The company referenced a previously issued Letter of Interpretation issued by PHMSA asking about the application of similar technology to motor vehicles. The question posed by RC was whether its carbon capture device as subject to the HMR when installed on a locomotive.

PHMSA responds in the negative. It notes that Section 171.1(b) and (c) state that the requirements of the HMR apply to each person who offers a hazardous material for transportation in commerce or transports a hazardous material in commerce.

Auxiliary equipment attached to a locomotive with the intent of reducing carbon emissions is not considered to be "in commerce." As a result, PHMSA states that the requirements of the HMR are not applicable to the device.

A caveat is provided noting that there may be applicable requirements from other federal agencies such as the Federal Railroad Administration or the Environmental Protection Agency.

A copy of the Interpretive Letter can be downloaded [here](#).