



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

1200 New Jersey Avenue, SE
Washington, DC 20590

January 3, 2025

Mr. Paul Gross
CEO
Remora Carbon
13685 Otterson Ct
Livonia, MI 48150

Reference No. 24-0126

Dear Mr. Gross:

This letter is in response to your December 20, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the applicability of the HMR to a new technology your company has developed. In your email, you describe a device designed to capture carbon dioxide that will be attached to a locomotive. Further, you mention that in a previously issued letter of interpretation (LOI; Reference No. 21-0078),¹ PHMSA was asked about the application of similar technology to motor vehicles. In your email, you ask whether your carbon capture device is subject to the HMR when installed on a locomotive.

Based on the information you have provided, the answer is no. 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. It is the opinion of this Office that auxiliary equipment attached to a locomotive with the intent of reducing carbon emissions is not considered to be "in commerce." Therefore, the requirements of the HMR are not applicable to your device.

However, please be aware that there may be applicable requirements from other Federal agencies such as the Federal Railroad Administration, who can be reached at (202) 493-6024, and the Environmental Protection Agency (EPA), who can be reached at (734) 214-4333.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Andrews".

Steven Andrews
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

¹ <https://www.phmsa.dot.gov/regulations/title49/interp/21-0078>