

STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

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BULLETIN #	TITLE			DATE ISSUED
2016-04	NFPA 58 Amended Section 7.2.2.1 (Effective 1-1-2016)			March 14, 2016
SUPERSEDES	RELEASED BY	APPROVED BY	SOURCE	SUPERSEDED BY
	JBC	KAR	NFPA & NH Board of Fire Control	

**Informational Bulletin 2016-04**  
**Container Transfer Requirements (NFPA 58 – 7.2.2.1 Amendment)**

**Purpose:**

This Informational Bulletin is designed to clarify the recent amendment to NFPA 58 (2008) Section 7.2.2.1 The New Hampshire Board of Fire Control has amended this section of the Liquefied Petroleum Gas Code – 2008, Section 7.2.2.1 to read as follows;

**7.2.2.1 Transfer of LP-Gas to and from a container shall be accomplished by qualified individuals trained in proper handling and operating procedures meeting the requirements of Section 4.4 and in emergency response procedures. No person except the owner, or a person authorized in writing by the owner, shall fill or refill, evacuate or transfer, or transport off site, a liquefied petroleum gas container with a capacity of or greater than 100 pounds. When said container is to be temporarily relocated on the site by a qualified person it shall be in a location that is compliant with NFPA 58 sections 5.7.7.2, 6.4.5.1, 6.4.5.12, and 6.6.1.2.**

**Background:**

The competitive market of liquefied petroleum fuel gas in New Hampshire requires propane marketers to communicate with each other in order to achieve a safe and efficient transfer of equipment and the petroleum products therein during a change of service. Improper fuel transfers on consumer sites can lead to serious injuries and death. Accidental fires from improper refueling methods conducted outside the parameters of a controlled environment are extremely hazardous and should only be performed on an emergency basis.

Recognizing industry concerns for product and consumer safety, the Board of Fire Control in conjunction with the Propane Gas Association of New England (PGANE), has developed the following recommendations for transferring ownership of the propane storage and piping equipment when the consumer elects to change propane marketers.

This document is not intended to impede or prohibit established mutual aid agreements within New Hampshire for various propane marketing firms engaged in the emergency response to propane incidents. Nor is this document intended to undermine or control established customer

transfer agreements between propane marketing firms when a consumer elects to change service from one supplier to another.

**Existing container statutes:**

**NH RSA 339-B:15 Unlawful Use of Containers.** – “No person except the owner, or a person authorized in writing by the owner, shall fill or refill a liquefied petroleum gas container with a capacity of or greater than 100 pounds with a liquefied petroleum gas or any other gas or substance.”

**NH RSA 637:3-a II Willful Concealment.** – “A person commits theft if, with a purpose to deprive a merchant of goods or merchandise, he or she knowingly: (d) transfers goods or merchandise from the container in which goods or merchandise were intended to be sold to another container.”

**Conclusion:**

During the consumer transfer process both the new and existing propane marketers must work together for an orderly and timely transfer of services, property, and/or equipment. Marketing firms are encouraged to work with one another to develop written agreements in which consumer and product safety is a priority. Although the new firm is eager to deliver products and services to their customer, they are prohibited from relocating or transferring product from tanks owned by another without a written agreement.

Written agreements concerning the transfer of customers between propane marketing firms are designed to promote a safe and equitable process in which the interests of all parties have been addressed. Propane suppliers are encouraged to work within the policies and procedures of their respective company operations along with industry trade associations to develop basic contract language regarding customer transfers.

At no time should a transfer of liquefied propane take place on a consumer site unless there is a true emergency. If such an emergent situation exists, marketing firms are required to notify the local Authority Having Jurisdiction (AHJ) / Fire Chief so that adequate protection and prevention methods can be in place prior to when the product transfer begins.

The amendment language developed and instituted by the Board of Fire Control is designed to address a growing concern amongst industry professionals regarding the safety of propane products when consumers elect to change marketing firms. Please consult the entire NFPA 58 (2008) document to ensure your employees have received the proper training and certifications required to meet the compliance requirements for product transfer. Additional questions or concerns regarding propane safety may be addressed to PGANE at (888) 445-1075 or the State Fire Marshal’s Office at (603) 223-4289.