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February 9, 2026

U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590

RE: Docket No. PHMSA-2025-0776; PDA-41(R)

The Solid Waste Association of North America (SWANA) appreciates the opportunity to submit comments on Docket No. PHMSA-2025-0776 regarding California's Reusability Requirement for Propane Cylinders. I certify that copies of this comment have been sent to Mr. Hayek and Mr. Bonta at the addresses specified in the Federal Register.

SWANA is an organization of public and private sector professionals committed to advancing from solid waste management to resource management through a shared emphasis on education, advocacy, and research. Our members are responsible for the communication, collection, processing, recycling, and disposal of materials. SWANA's members operate collection vehicles, materials recovery facilities, household hazardous waste drop-off centers, and other facilities and programs that are directly affected by the design and end-of-life management of consumer products.

SWANA opposes the requested preemption determination that federal hazardous materials transportation law preempts California's requirement that one-pound propane gas cylinders sold or offered for sale in the state be refillable or reusable by January 2028.



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The author of the California law (SB 1280), Senator John Laird, shared the following regarding the need for the legislation, “For years these propane cylinders have placed a great burden on our park systems, beaches, material recovery facilities, and local governments. With the signing of SB 1280 the taxpayers will no longer be responsible for cleaning up someone else’s mess. Signing SB 1280 will result in more reusable propane cylinders for consumers to refill which will lead to a cleaner and safer California.” (September 23, [2024 Press Release](#) by Senator Laird). In the US, approximately 40-60 million single-use, one-pound propane cylinders are sold annually, with a cost of up to \$65 per cylinder for a local jurisdiction to properly dispose of them (September 23, [2024 Press Release](#) by Senator Laird).

As long as the refillable cylinders meet DOT standards and follow the Federal hazardous material transportation law (HMTA), [49 U.S.C. 5101](#), one-pound propane gas refillable cylinders would be allowed, and should not be considered “an obstacle to accomplishing and carrying out” the HMTA as argued by Worthington Enterprises, Inc. SB 1280 prohibits the offering for sale or selling of propane cylinders other than one-pound propane cylinders that are reusable or refillable. The HMTA does not speak to the transportation of those cylinders, so would not be considered “substantively the same as federal regulations” which govern aspects related to transportation.

There is precedence for the use of refillable tanks, as twenty-pound propane tanks frequently used for barbeques and other uses have been refillable for many years. In addition, other states have laws that support refillable cylinders, such as Connecticut's EPR law for gas cylinders (Public Act No. 24-133).

California’s refillable or reusable propane cylinder requirement advances worker and facility safety and reduces the amount of waste and disposal expenses associated with one-time use cylinders. Improperly discarded propane cylinders present a serious safety risk when they enter collection vehicles or processing facilities. Even when



believed to be empty, one-pound single-use cylinders can retain residual gas or pressure and may explode when compacted, crushed, or otherwise handled during normal waste management operations. These incidents endanger workers, damage infrastructure, disrupt essential public services, and significantly increase costs on local governments and operators from insurance to maintenance and repairs. This is a major safety concern for SWANA members, in addition to the cost burden to the public and the taxpayer to manage the single-use one-pound cylinders.

SWANA's [Statement on the Need for Emergency Coordination on Product Safety](https://swana.org/key-initiatives/swana-advocacy-and-policy/technical-policies) (<https://swana.org/key-initiatives/swana-advocacy-and-policy/technical-policies>) calls for manufacturers and policymakers to prioritize safety by ensuring that hazardous products are not introduced into the marketplace without viable end-of-life management pathways. The statement emphasizes the need for product designs that reduce fire and explosion risks, provide clear hazard labeling, and offer end-of-life management that prevents hazardous products from entering the municipal waste and recycling streams.

Requirements that promote refillable or reusable propane cylinders align with this statement, as they reduce the likelihood that these products are disposed of in household trash or recycling, and instead encourage reuse and support controlled collection that is safer for workers and facilities.

The application seeks to preempt a California state requirement that addresses downstream safety impacts not limited to transportation, but extending to waste collection and processing which are activities that are primarily regulated and funded at the state and local level. Local governments and waste authorities bear the operational and financial consequences of fires, explosions, equipment damage, and service disruptions caused by improperly discarded hazardous products. Preserving state authority to require safer product designs is consistent with the public interest and supports shared responsibility for managing product risks throughout their lifecycle.



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Maintaining California's refillable or reusable propane cylinder requirement supports affordability, worker safety, protects waste and recycling infrastructure, and aligns with SWANA's Product Safety Statement and longstanding industry concerns regarding hazardous consumer products.

For the reasons stated above, the Solid Waste Association of North America (SWANA) urges PHMSA to **deny the requested preemption determination** under **Docket No. PHMSA-2025-0776; PDA-41(R)**.

If you have any questions about these comments, please contact Kristyn Oldendorf at koldendorf@swana.org or 240-494-2237.

Sincerely,

Kristyn Oldendorf

Kristyn Oldendorf
Senior Director of Public Policy and Communications
Solid Waste Association of North America (SWANA)

CC: Joseph B. Hayek, President and Chief Executive Officer, Worthington Enterprises, Inc., 200 West Old Wilson Bridge Road, Columbus, OH 43085

Rob Bonta, Attorney General, The State of California, Office of the Attorney General, 1300 "I" Street, Sacramento, CA 95814-2919.



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