



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

FEB 5 1999

Ms. Susan G. Oliver  
D-48 Waldo Point Harbor  
Sausalito, CA 94965

Ref. No. 99-0018

Dear Ms. Oliver:

This is in response to your letter dated January 18, 1999 and subsequent telephone conversation with a member of my staff, regarding emergency response information requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if a carrier of hazardous material must carry the 1996 North American Emergency Response Guidebook (NAERG) in the vehicle.

The answer is no. Any document (including the shipping paper) that contains all of the information specified in § 172.602(a)(1) through (7) may be used to satisfy the emergency response information requirement. The 1996 NAERG is one option available that may be used to comply with the requirements of § 172.602(a). Therefore, if the 1996 NAERG is present on a transport vehicle and is maintained as specified, the requirements of § 172.602(a) are met. However, the HMR do not specifically require the use of the 1996 NAERG to satisfy the requirements of § 172.602(a).

I hope this satisfies your request.

Sincerely,

John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards

S.G. Oliver  
0-48 Waldo Point Harbor  
Dausalito, Ca. 94965  
415-331-7816

BHH  
§172.602

Jan. 18, 1999

99-0018

Mr. Mazullo

In Sept. of last year I received a ticket for not having my Emergency Response Guidebook. The freight that I carry are 2 pallets of car batteries and 2 pallets of air bags.

The car batteries do not require placards because of the weight. I have sent you a copy of the law and a copy of a freight bill. Air bags fall under hazardous materials 9.

Would you please send me information on air bags, that I can present to the court, that they are a (low to moderate hazard)

I believe this will help me fall under the guidelines of the law on the batteries. Please send me what you can as soon as possible on the matter. I must send this back to the court on February 25.

Thank you for your help.

Susan Oliver

- (1) Glass or earthenware not over 2.5 L (0.66 gallon) capacity;
- (2) Plastic not over 2.5 L (0.66 gallon) capacity further individually overpacked in tightly closed metal packagings; or
- (3) Glass ampoule not over 0.5 L (0.1 gallon) capacity.

**§173.159 Batteries, wet.** (a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they may not be packed with other materials except as provided in §§173.220 and 173.222 of this part and paragraph (h) of this section.

(b) The following specification packagings are authorized for batteries packed without other materials:

- (1) 4C1, 4C2, 4D, or 4F wooden boxes.
- (2) 4G fiberboard boxes.
- (3) 1D plywood drums.
- (4) 1G fiber drums.
- (5) 1H2 and 3H2 plastic drums and jerricans.
- (6) 4H2 plastic boxes.

(c) The following non-specification packagings are authorized for batteries packed without other materials:

(1) Electric storage batteries protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation, are authorized for transportation by rail, highway, or water. The height of the completed unit must not exceed  $1\frac{1}{2}$  times the width of the skid or pallet. The unit must be capable of withstanding, without damage, a superimposed weight equal to two times the weight of the unit or, if the weight of the unit exceeds 907 kg (2000 pounds), a superimposed weight of 1814 kg (4000 pounds). Battery terminals must not be relied upon to support any part of the superimposed weight.

(2) Electric storage batteries weighing 225 kg (500 pounds) or more, consisting of carriers' equipment, may be shipped by rail when mounted on suitable skids and protected against short circuits. Such shipments may not be offered in interchange service.

(3) One to three batteries not over 11.3 kg (25 pounds) each, packed in outer boxes. The maximum authorized gross weight is 34 kg (75 pounds).

(4) Not more than four batteries not over 7 kg (15 pounds) each, packed in strong outer fiberboard or wooden boxes. Batteries must be securely cushioned and packed to prevent short circuits. The maximum authorized gross weight is 30 kg (65 pounds).

(5) Not more than five batteries not over 4.5 kg (10 pounds) each, packed in strong outer fiberboard or wooden boxes. Batteries must be securely cushioned and packed to prevent short circuits. The maximum authorized gross weight is 30 kg (65 pounds).

(6) Single batteries not exceeding 34 kg (75 pounds) each, packed in 5-sided slip covers or in completely closed fiberboard boxes. Slip covers and boxes must be of solid or double-faced-corrugated fiberboard of at least 91 kg (200 pounds) Mullen test strength. The slip cover or fiberboard box must fit snugly and provide inside top clearance of at least 1.3 cm (0.5 inch) above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slipcover must come to within 2.5 cm (1 inch) of the bottom of the battery. The completed package (battery and box or slip cover) must be capable of withstanding a top-to-bottom compression test of at least 225 kg (500 pounds) without damage to battery terminals, cell covers or filler caps.

(7) Single batteries exceeding 34 kg (75 pounds) each may be packed in completely closed fiberboard boxes. Boxes must be of double-wall corrugated fiberboard of at least 181 kg (400 pounds) test, or solid fiberboard testing at least 181 kg (400 pounds); a box may have hand holes in its ends provided that the handholes will not materially weaken the box. Sides and ends of the box must have cushioning between the battery and walls of the box; combined thickness of cushioning material and walls of the box must not be less than 1.3 cm (0.5 inch); and cushioning must be excelsior pads, corrugated fiberboard, or other suitable cushioning material. The bottom of the battery must be protected by a minimum of one excelsior or double-wall corrugated fiberboard pad. The top of the battery must be protected by a wood frame, corrugated trays or scored sheets of corrugated fiberboard having minimum test of 91 kg (200 pounds), or other equally effective cushioning material. Top protection must bear evenly on connectors and/or edges of the battery cover to facilitate stacking of batteries. No more than one battery may be placed in one box. The maximum authorized gross weight is 91 kg (200 pounds).

(d) A nonspillable wet electric storage battery is excepted from all other requirements of this subchapter under the following conditions:

(1) The battery must be protected against short circuits and securely packaged;

(2) For batteries manufactured after September 30, 1995, the battery and the outer packaging must be plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY"; and

(3) The battery must be capable of withstanding the following two tests, without leakage of battery fluid from the battery.

(i) **Vibration test.** The battery must be rigidly clamped to the platform of a vibration machine, and a simple harmonic motion having an amplitude of 0.8 mm (0.03 inches), with a 1.6 mm (0.063 inches) maximum total excursion must be applied. The frequency must be varied at the rate of 1 Hz/min between the limits of 10 Hz to 55 Hz. The entire range of frequencies and return must be traversed in  $95 \pm 5$  minutes for each mounting position (direction of vibrator) of the battery. The battery must be tested in three mutually perpendicular positions (to include testing with fill openings and vents, if any, in an inverted position) for equal time periods.

(ii) **Pressure differential test.** Following the vibration test, the battery must be stored for six hours at  $24^\circ\text{C} \pm 4^\circ\text{C}$  ( $75^\circ\text{F} \pm 7^\circ\text{F}$ ) while subjected to a pressure differential of at least 88 kPa (13 psi). The battery must be tested in three mutually perpendicular positions (to include testing with fill openings and vents, if any, in an inverted position) for at least six hours in each position.

(e) Electric storage batteries containing electrolyte or corrosive battery fluid are not subject to the requirements of this subchapter for transportation by highway or rail if all of the following requirements are met:

(1) No other hazardous materials may be transported in the same vehicle;

(2) The batteries must be loaded or braced so as to prevent damage and short circuits in transit;

(3) Any other material loaded in the same vehicle must be blocked, braced, or otherwise secured to prevent contact with or damage to the batteries; and

(4) The transport vehicle may not carry material shipped by any person other than the shipper of the batteries.

(f) Electric storage batteries, containing electrolyte or corrosive battery fluid in a coil from which it is injected into the battery cells by a gas generator and initiator assembled with the battery, and which are nonspillable under the criteria of paragraph (d) of this section, are excepted from other requirements of this subchapter when examined by the Bureau of Explosives and approved by the Associate Administrator for Hazardous Materials Safety.

(g) Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries wet or dry, must be packed in one of the following specification packagings:

(1) In 4C1, 4C2, 4D, or 4F wooden boxes with inner receptacles of glass, not over 4.0 L (1 gallon) each with not over 8.0 L (2 gallons) total in each outside container. Inside containers must be well-cushioned and separated from batteries by a strong solid wooden partition. The completed package must conform to Packing Group III requirements.

(2) Electrolyte, acid, or alkaline corrosive battery fluid included with storage batteries and filling kits may be packed in strong plywood or wooden boxes when shipments are made by, for, or to the Departments of the Army, Navy, or Air Force of the United States. Packagings must conform to military specifications. The electrolyte, acid, or alkaline corrosive battery fluid must be packed in polyethylene bottles of not over 1.0 L (0.3 gallon) capacity each. Not more than 24 bottles, securely separated from storage batteries and kits, may be offered for transportation or transported in each package.

(3) In 4G fiberboard boxes with not more than 12 inside packagings of polyethylene or other material resistant to the lading, each not over 2.0 L (0.5 gallon) capacity each. Completed packages must conform to Packing Group III requirements. Inner packagings must be adequately separated from the storage battery. The maximum authorized gross weight is 29 kg (64 pounds). These packages are not authorized for transportation by aircraft.

(h) Dry storage batteries or battery charger devices may be packaged in 4G fiberboard boxes with inner receptacles containing battery fluid. Completed packagings must conform to Packing Group III requirements. Not more than 12 inner receptacles may be packed

Copy from  
the real D.O.T.

Hay. Mat. book  
found at the scales  
in Calif.

DELPHI-E ANAHEIM  
DELPHI ENERGY & ENGINE MGMT SYSTEMS  
1201 N. MAGNOLIA AVENUE

PAGE 1 OF 1  
SHIPPER/S.I.D.  
NO. 010871

11/12/98  
08:37 ANAHEIM CA 92801-3190  
LANT DOCK: CISCO: 35010 DUNS: 008323396 SHIPPER TYPE: 0  
CUST SHP CTL NO: ALT/DIR SHIP SUPPLIER SID NO:  
DEALER NO: SPO ORDER NO:  
NATION CODE: 102970571 L AUTH NO:  
ING CUSTOMER: 102970571 RECEIVING DOCK CODE:  
MER REF NBR: 8111310  
NEW UNITED MOTOR MANUFACTURING SHIP DELPHI-E ANAHEIM  
45500 FREMONT BLVD DK CODE CF FROM: DELPHI ENERGY & ENGINE MGMT SYS  
FREMONT CA 94538 1201 N. MAGNOLIA AVENUE

ANAHEIM  
US CA 928013190 US  
PORTATION METHOD: LT ROUTING: \* NO ROUTE AVAILABLE \*  
CKUP CARRIER: PKUP VEHICLE #: 102 PRO NUMBER:  
VERY CARRIER: VEHICLE #: PRO NUMBER:  
NO.: LOAD/HOLD: N

TY PARTNO/ECL/VER PART NAME P CONT/P.O.# P/U CONTNR.# NETWGT  
112 01981515/ /100 515 BATTERY ALL : 00275647 3731  
ST PN: 288000101100 HZ: UN2794 PS:

\*\*\*\*\*  
M TALLY: 1 PAYMENT TERMS: COLLECT GROSS WEIGHT: 3784  
K UNITS: 1 TARE WEIGHT: 53 NET WEIGHT: 3731  
\*\*\*\*\*

TY C/TYP DESCRIPTIONS OF ARTICLES, SPECIAL MARKS AND EXCEPTIONS 3784LB  
1 Pallet SUB NO:2

BATTERIES, WET, FILLED WITH ACID, 8, UN2794, PG111  
BATTERIES, ELECTRICAL STORAGE, ASSEMBLED, N.O.I., WET VALUE  
NOT TO EXCEED \$2.00 PER POUND (NMFC IT.60720-2)

EMERGENCY CONTACT: T-800-535-5053-SEE EMERGENCY RESPONSE GUIDE  
NO. 154 IN D.O.T. EMERGENCY RESPONSE GUIDEBOOK

THIS IS TO CERTIFY THAT THE ABOVE NAMED MATERIALS ARE PROPERLY  
CLASSIFIED, DESCRIBED, PACKAGED, MARKED AND LABELED, AND ARE IN  
PROPER CONDITION FOR TRANSPORTATION ACCORDING TO THE APPLICABLE  
REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION. SIGNED

SUBJECT TO SECTION 7 OF CONDITIONS OF APPLICABLE BILL OF LADING  
THE CARRIER SHALL NOT MAKE DELIVERY OF THIS SHIPMENT WITHOUT PAYMENT OF  
FREIGHT AND ALL OTHER LAWFUL CHARGES. PER: DAVE MCCULLOUGH  
(SIGNATURE OF CONSIGNOR)

RECEIVED, SUBJECT TO THE CLASSIFICATIONS AND LAWFULLY FILED TARIFFS  
IN EFFECT ON THE DATE OF THE ISSUE OF THIS BILL OF LADING. THE TERMS AND  
CONDITIONS SHOWN IN THE UNIFORM BILL OF LADING APPLY

DAVE MCCULLOUGH /RZ8P87 CARRIER'S AGENT DATE: 11-12-98  
\*\*\*\*\*

SHIPPED BY: *Virginia Bonline* SHIPPER NO.: 10871

Copy of  
freight Bill on  
Battarys

SHIPPER  
PLEASE NOTE

FREIGHT CHARGES ARE PREPAID ON THIS  
BILL OF LADING UNLESS MARKED COLLECT

DRIVER  
PLEASE NOTE

IF SINGLE SHIPMENT  
CHECK BOX BELOW

PLACE PRO LABEL HERE

STRAIGHT  
BILL OF LADING  
ORIGINAL - NOT NEGOTIABLE  
SINGLE SHIPMENT PICKUP

DATE 1/11/99 P.O. NO. SHIPPER NO. 90112/0

CONSIGNEE (TO) NEW UNITED MOTOR MANUFACTURING, INC.  
STREET 45500 FREMONT BLVD  
CITY, STATE, ZIP FREMONT, CA 94538 USA  
SHIPPER (FROM) TOYOTA LOGISTICS SERVICES, INC.  
STREET 1000 E. 223RD STREET  
CITY, STATE, ZIP CARSON, CA 90745 USA

PHONE NO. S. MANOBE/510-498-7864 ROUTE VEHICLE NO. COPS# 102

NUMBER SHIPPING UNITS	HM	KIND OF PACKAGING, DESCRIPTION OF ARTICLES, SPECIAL MARKS AND EXCEPTIONS	NMFC No.	CLASS	WEIGHT (LBS) (Subject to Correction)
21		PLASTIC BOXES X 37.08 LBS EACH	19697	85	778 lbs
PLTS	X	AIR BAG MODULES			
		9, UN3268, III			
		NO PLACARDS REQUIRED PER 49 CFR 172.506(F)(9)			
		1996 NA ERG 171			
		EMERGENCY CONTACT: CHEMTREC 1-800-424-9300/1-703-527-3887			

21  Total Total  778 lbs

REMIT C.O.D. TO ADDRESS CITY: STATE: ZIP: PLACARDS TENDERED? YES  NO  COD AMOUNT: IS CUSTOMER'S CHECK ACCEPTABLE? PREPAID  COLLECT  CDL? YES  NO  FOR C.O.D.? YES  NO

Note: Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. If the value is omitted, the shipment will be subject to the lowest actual or declared value in FMV 2100 Series. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$ \_\_\_\_\_ per lb.

Subject to section 7 of the conditions, if the shipment is to be delivered to the consignee without recourse on the consignor the consignor shall sign the following statement: The carrier shall not make delivery of the shipment without payment of freight and other lawful charges. FREIGHT CHARGES: PREPAID  COLLECT

"THIS IS TO CERTIFY THAT THE ABOVE NAMED MATERIALS ARE PROPERLY CLASSIFIED, DESCRIBED, PACKAGED, MARKED AND LABELED AND ARE IN PROPER CONDITION FOR TRANSPORT ACCORDING TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

RECEIVED, subject to the National Motor Freight Classifications, the ATA Hazardous Materials Rules Tariff (ATA 111 Series), the carrier's tariffs, and the carrier's pricing schedules, terms, conditions, and rules maintained at carrier's Pricing Department in effect on the date of the issue of this bill of lading, the property described above in apparent good order, except as noted (contents and conditions of contents of packages unknown), marked, consigned, and destined as indicated above when said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry its usual place of delivery at said destination if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any said property, over all or any portion of said route to destination and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment. Carrier shall in no event be liable for loss of profit, income, interest, attorney fees or any special incidental or consequential damages.

Shipper hereby certifies that he is familiar with all the terms and conditions in the bill of lading, governing tariffs, pricing schedules, rules and classifications and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

SHIPPER TOYOTA LOGISTICS SERVICES, INC. AUTHORIZED SIGNATURE [Signature] CARRIER TOYOTA TRANSPORT AUTHORIZED SIGNATURE [Signature] DATE 1/11/99

NUMBER OF PIECES RECEIVED =

Air Bag  
Freight Bill

—

—