



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

FEB 22 2002

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

Mr. Greg DePies  
GS Battery (U.S.A.) Inc.  
7576 Trade Street, Suite B  
San Diego, CA 92121

Reference No.: 02-0040

Dear Mr. DePies:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) applicable to the transportation of nonspillable batteries. Specifically, you want to confirm that your company is in compliance with the provisions of § 173.159(d)(1), which states that "the battery must be protected against short circuits and securely packaged."

You state that the batteries are loaded on heavy duty pallets, separated by cardboard dividers, the battery terminals are capped, and the rows separated by bubblewrap and cardboard. The pallet is banded horizontally and vertically and then wrapped in 5 mil thick tarp. In addition to the description, you also submitted several photographs showing batteries in various stages of preparation for shipment. Based on the information provided, it is the opinion of this office that the batteries are "securely packaged."

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

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



020040

173.159(d)(1)

January 3, 2002

Mr. Edward T. Mazzullo  
Director, Office of Hazmat  
DOT/RSTA (DHW-10)  
400 7<sup>th</sup> Street SW  
Washington DC 20500-0001

Mr. Mazzullo,

I recently talked with Mr. Stephen Lee at the Hazmat Help Desk concerning D.O.T. Hazardous Materials Regulations (Title 49, CFR 173.159) related to electric storage batteries. My company, GS Battery Inc. sells lead-acid batteries that pass the vibration and pressure differential tests, and therefore qualify for the "nonspillable" designation, per sub-section (d).

My question relates to the packaging requirements for "nonspillable batteries." I wish to confirm that the packaging GS Battery uses complies with the paragraph (d)(1) requirement that the batteries be "securely packaged."

Mr. Lee advised me that no specific guidelines exist for determining exactly what constitutes "securely packaged," and referred me to you for a ruling and/or authorization letter to ship our products in bulk (no carton) packaging.

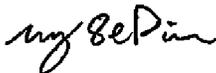
Please see the enclosed photographs of the packaging GS Battery intends to use. Please note the following:

- 1) The pallets are a heavy duty type that can hold twice as much weight as a standard pallet.
- 2) The cardboard dividers are 275 double walled construction for heavy duty use.
- 3) The rows are separated by cardboard and bubble-wrap.
- 4) The battery terminals are capped by a black rubber piece.
- 5) The pallet is banded horizontally and vertically.
- 6) The product is wrapped in 5 mil thick tarp.

Does this packaging meet the D.O.T. requirements?

Thank you very much for your attention. If you should need any clarification or further information please do not hesitate to contact me.

Sincerely,



Greg DePies  
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Corbin  
§173.159(d)(1)  
Batteries/  
Packaging  
02-0040



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