



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 14 2008

Ms. Tracy Staidl Wrycha
Spectrum Brands, Inc.
601 Rayovac Drive
Madison, WI 53711-2497

Ref. No.: 07-0234

Dear Ms. Wrycha:

This is in response to your December 12, 2007 letter concerning the transportation by aircraft of electric shaving, grooming, and epilating devices containing nickel cadmium or nickel metal hydride batteries. The shipment is prepared in accordance with the International Civil Aviation Organization's (ICAO) Technical Instructions. As described in your letter, the batteries are contained in the device, the device is blister-packed, and the blister pack is placed in a strong outer package. Your questions are paraphrased and answered as follows:

- Q1. Under ICAO, does Special Provision A123 prohibit the transportation of nickel cadmium or nickel metal hydride batteries installed in equipment?
- A1. No. Provided the device does not have the potential of dangerous evolution of heat when activated, the batteries may be installed.
- Q2. Does the device, as packaged, conform to ICAO Special Provision A123?
- A2. Yes. Based on the description of your packaging and the photographs enclosed with your letter, the devices are packaged in conformance with ICAO Special Provision A123.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Spectrum Brands, Inc.
601 Rayovac Drive
Madison, WI 53711-2497
Phone 608.275.4404
Fax 608.288.4404
Email tracy.wrycha@spectrumbrands.com
www.spectrumbrands.com

Pollack
§ 171.11
ICAO
07-0234



Tracy Staidl Wrycha
Division Vice President
Counsel to the Americas, Batteries and Personal Care

December 14, 2007

Mr. Edward Mazzullo
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for Interpretation on
Special Provision A123 in ICAO Technical Instructions

Dear Mr. Mazzullo:

I am writing to request an interpretation on the requirements for complying with Special Provision A123 contained in the ICAO Technical Instructions (and IATA Dangerous Goods Regulations). We recently had one of our shipments of battery-powered grooming products detained in China due to what we believe is a misinterpretation of Special Provision A123. We have consulted with IATA's dangerous goods office but believe it is important to secure a written interpretation from your office on this matter.

Special Provision A123 states –

This entry applies to Batteries, electric storage, not otherwise listed in Subsection 4.2 – List of Dangerous Goods. Examples of such batteries are alkali-manganese, zinc-carbon, nickel-metal hydride, and nickel cadmium batteries. Any electrical battery or battery powered device having the potential of dangerous evolution of heat that is not prepared so as to prevent a short-circuit (e.g. in the case of batteries, by the effective insulation of exposed terminals; or, in the case of equipment, by disconnection of the battery and protection of exposed terminals) is forbidden from transport.



Spectrum Brands ships its electric shaving, grooming and epilation devices with either a nickel cadmium or nickel metal hydride battery installed. When installed in the equipment, the battery terminals are not exposed which provides the necessary protection from external short-circuits. In addition, these devices are placed in blister packs that completely enclose them (as shown) and packed in strong outer packaging. The blister packs and strong outer packaging provide an effective means of preventing accidental activation of the devices which could lead to a dangerous evolution of heat.

My two questions are as follows:

1. Does Special Provision A123 prohibit the transport of nickel cadmium or nickel metal hydride batteries installed in equipment?
2. Based on the description of our packaging described above and attached photograph, is Spectrum Brands in compliance with Special Provision A123?

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy Staidl Wrycha'.

Tracy Staidl Wrycha



REMINGTON

BEARD GROOMER

BUILT-IN PLUG—NO CORD!



RECHARGEABLE
LITHIUM-ION BATTERY

IR
Built-in Plug
Folds into
Handle

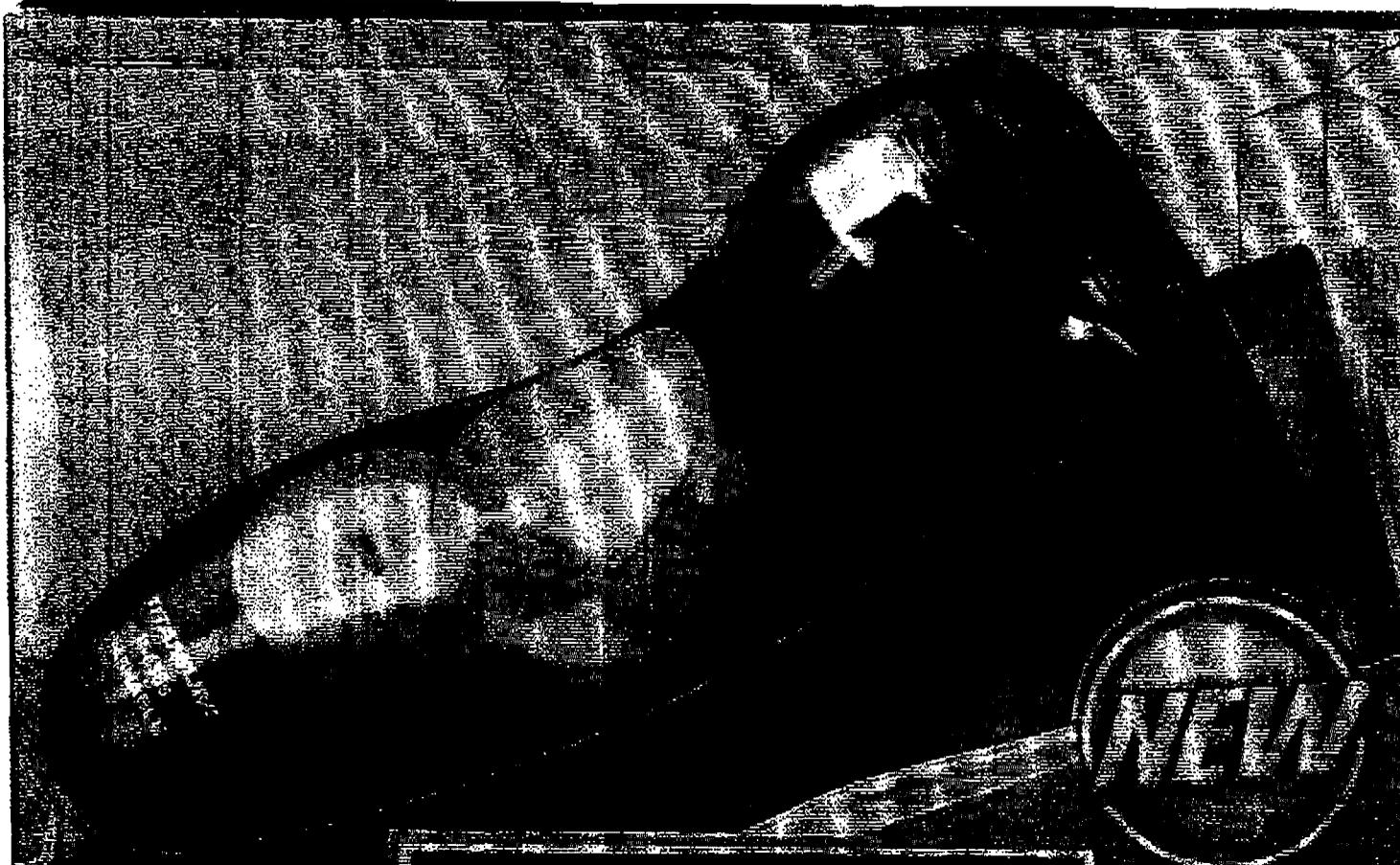
**Plugs Directly in
Outlet—No Cord!**

MB-250 | Rechargeable

9
Built-in Combs For
Nine Hair Lengths

Ti
TITANIUM Coated
Trimmer Blades

For a Precision Trim



REMINGTON

TITANIUM

MICROFLEX



Ti Titanium
Coated Blades

W Washable
Simply Rinse & Clean

Three Floating Heads
Adjust to Your Face for a
**Comfortably
Close Shave**

V Versatile
Cord & Cord-Free Use

RT650s | 50 Minute Run Time for 40 Days of Shaving | Pop-Up Trimmer



1776 K STREET NW
WASHINGTON, DC 20006

PHONE 202.719.7000
FAX 202.719.7049

Facsimile

TO	FAX NUMBER	PHONE NUMBER
Edward Mazullo	202-366-3012	
FROM	George Kerchner	PHONE NUMBER 202.719.4109
DATE	December 17, 2007	PAGES TO FOLLOW 5
USER NUMBER	4896	CLIENT NUMBER 82056.0001

MESSAGE

Please contact _____ if you do not receive this facsimile in its entirety.

Confidentiality Note: The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. *Thank you.*

- c) each article is manufactured from material which will not fragment upon rupture;
 - d) each article is manufactured in accordance with a quality assurance standard acceptable to the appropriate national authority; and
 - e) the design type has been subjected to a fire test demonstrating that pressure in the article is relieved by means of a fire-degradable seal or other pressure-relief device such that the article will not fragment and the article does not rocket.
- A115 This entry applies to articles which are used as lifesaving vehicle air bag inflators, or air bag modules or seat belt pretensioners, and which contain dangerous goods of Class 1 or dangerous goods of other classes and when transported as component parts and when these articles as presented for transport have been tested in accordance with test series 6 (c) of Part I of the UN *Manual of Tests and Criteria*, with no explosion of the device, no fragmentation of the device casing or pressure vessel, no projection hazard and no thermal effect which would significantly hinder firefighting or other emergency response efforts in the immediate vicinity.
- A116 An oxygen generator, chemical, when containing an explosive actuating device must only be transported under this entry when excluded from Class 1 in accordance with 2;1.1 b).
- A117 Wastes transported under UN 3291 are wastes derived from the medical treatment of humans or animals or from bio-research, where there is a relatively low probability that infectious substances are present. Waste infectious substances which can be specified must be assigned to UN 2814 or UN 2900. Decontaminated wastes which previously contained infectious substances may be considered as not subject to these Instructions unless the criteria of another class or division are met.
- A118 Items classified as explosive must be removed from vehicles and transported in accordance with the provisions of these Instructions unless authorized by the appropriate national authority under the written conditions established by that authority. In such circumstances, vehicles may be transported on cargo aircraft only.
- Note.— This special provision does not apply where the explosives are a smoke candle installed as a permanent part of the vehicle or are part of an assembly classified as dangerous goods of other than Class 1, e.g. Air bag inflators, Air bag modules and Seat-belt pretensioners (UN 3268), Fire extinguishers (UN 1044). Additionally, this special provision does not apply in the case of Air bag modules and Air bag inflators and Seat-belt pretensioners (UN 0503) installed in the vehicle.*
- A119 Irrespective of the limit specified in column 12 of Table 3-1, a handling device meeting the requirements of Packing Instruction 917 as prepared for transport may have a gross mass not exceeding 1 000 kg.
- A120 This entry includes but is not limited to automobiles, motorcycles, aircraft, boats, snowmobiles, jet skis, etc.
- ≠ A121 Not used.
- A122 Nitrocellulose membrane filters covered by this entry, each with a mass not exceeding 0.5 g, are not subject to these Instructions when contained individually in an article or a sealed packet.
- A123 This entry applies to Batteries, electric storage, not otherwise listed in Table 3-1. Examples of such batteries are: alkali-manganese, zinc-carbon, nickel-metal hydride and nickel-cadmium batteries. Any electrical battery or battery-powered device having the potential of dangerous evolution of heat that is not prepared so as to prevent a short circuit (e.g. in the case of batteries, by the effective insulation of exposed terminals; or, in the case of equipment, by disconnection of the battery and protection of exposed terminals) is forbidden from transport.
- ≠ A124 Mixtures containing not more than 23.5 per cent oxygen by volume may be transported under this entry when no other oxidizing gases are present. A Division 5.1 subsidiary risk label is not required for any concentrations within this limit.
- A125 The following definitions apply to matches:
- a) Fusee matches are matches the heads of which are prepared with a friction-sensitive igniter composition and a pyrotechnic composition which burns with little or no flame, but with intense heat;
 - b) Safety matches are combined with or attached to the box, book or card that can be ignited by friction only on a prepared surface;
 - c) Strike anywhere matches are matches that can be ignited by friction on a solid surface;
 - d) Wax Vesta matches are matches that can be ignited by friction either on a prepared surface or on a solid surface.
- ≠ A126 Not used.
- ≠ A127 Not used.
- A128 This entry only applies if it is demonstrated, on the basis of tests, that the substances, when in contact with water are not combustible nor show a tendency to auto-ignition and that the mixture of gases evolved is not flammable.