



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

AUG 11 2016

Mr. Andrew N. Romach
Regulatory Compliance Manager
AECOM
1600 Perimeter Park Drive
Morrisville, NC 27560

Ref. No.: 15-0171

Dear Mr. Romach:

This is in response to your letter dated August 3, 2015 and subsequent phone call with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to lithium battery provisions in § 173.185. You state that you have a single lithium metal battery contained in equipment. This single lithium metal battery contained in equipment has a lithium content of not more than 2 grams and the lithium metal content does not exceed 5 kg net weight. The equipment is then placed in an outer product box that meets the criteria for a strong outer packaging and all of the applicable packaging provisions in § 173.185(c). You further state the product box would be consolidated with other product boxes and placed into one larger box. You ask for confirmation that the product box as well as the overpack would require no hazard communication marks or labels based on the scenario you have provided.

Your understanding is correct. For the packages and overpack you describe there is no requirement to mark or label the outer package or overpack. The package is not required to display the markings specified in §§ 173.185(c)(1)(iii) and 173.185(c)(3). The package would also be excepted from labeling per § 173.185(c). In accordance with § 173.25(a)(4), the overpack marking would not be required, as specification packagings are not required.

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

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Webb
173-185
Anthem Batteries
15-0171

From: Geller, Shelby CTR (PHMSA)
Sent: Monday, August 17, 2015 4:42 PM
To: Hazmat Interps
Subject: FW: Request for written DOT interpretation
Attachments: DOT interpr li battery label transport doc 08032015.pdf

Dear Shante and Alice,

I wanted to follow up with Ms Norris' request for a letter of interpretation, as I did not see it in the database.

Thanks,
Shelby

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, August 04, 2015 12:21 PM
To: Hazmat Interps
Subject: FW: Request for written DOT interpretation

Dear Shante and Alice,

Attached is a request for a formal letter of interpretation.

Thanks,
Shelby

From: Norris, Carolyn [<mailto:carolyn.norris@aecom.com>]
Sent: Monday, August 03, 2015 4:09 PM
To: PHMSA HM InfoCenter
Cc: Romach, Andy
Subject: Request for written DOT interpretation

Dear Infocenter,

I have attached a request for a written DOT interpretation. Please let me know if you have any questions.

Thank you in advance for your assistance.

Thanks,

Carolyn Norris, DGSA
Senior Project Scientist/Project Manager, EHS Department
D 1-919-461-1238 F 1-919-461-1371
Carolyn.norris@aecom.com

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August 3, 2015

Mr. Charles Betts, Division Director
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Betts:

I am writing to request a Department of Transportation (DOT) written interpretation concerning the applicability of the lithium battery marking and documentation requirements set out in the recently revised section "Exceptions for smaller cells or batteries" 49 CFR 173.185(c) for lithium batteries contained in equipment. Specifically, we would like to ship one lithium battery (larger than a coin cell) that meets the exception criteria in 49 CFR 173.185(c) and is contained in a piece of equipment as allowed in 49 CFR 173.185(c)(3). This piece of equipment is packaged in its own product box.

The product box meets the criteria for strong outer packaging as set out in Subchapter B; and the package meets all of the applicable requirements of the exception in 49 CFR 173.185(c), including the referenced parts of 49 CFR 173.185(b).

This product box would not be offered into transportation on its own due to handling constraints: The product box will be purchased by the customer, so the outer packaging has advertisements and artwork that we would like to protect so that it is not scuffed in transport.

Would this package (equipment in this product box) meet the exception from the lithium battery package markings and transport document set out in 49 CFR 173.185(c)(3)? Multiple product boxes such as this (for example, 50 product boxes) would be packaged together in one larger box for consolidation, which functions as an overpack.

As set out in 49 CFR 173.25(a)(4), the overpack marking is required only if the overpack contains UN specification packages; therefore, no "OVERPACK" marking would be required on the outside of the overpack.

Please provide written clarification that no DOT package marking and labels would be required on either the individual product boxes or the overpack in the above-described scenario. I appreciate your assistance with this question.

Sincerely,

Andrew N. Romach
Regulatory Compliance Manager
AECOM