



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

MAY 3 1 2016

Mr. Richard Lloyd  
31 Bastian Lane  
Allentown, PA 18104

Ref. No.: 16-0003

Dear Mr. Lloyd

This responds to your email dated January 7, 2016, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the 57<sup>th</sup> edition of the International Air Transport Association Dangerous Goods Regulations (IATA DGR) regarding exceptions for the shipment of smaller lithium metal cells and batteries contained in equipment. Specifically, you ask if the word "OVERPACK" must appear on the outside of an overpack when the package(s) contained in the overpack conform to the requirements of § 173.185(c)(4) and Section II of Packing Instruction 970 of the 57<sup>th</sup> edition of the IATA DGR and do not require the lithium battery handling label.

The IATA DGR do not have official standing under the HMR. However, the provisions of §§ 171.22 - 24 of the HMR authorize the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) for packaging, marking, labeling, classifying, and describing hazardous materials which are transported by air and by motor vehicle either before or after being transported by air. For the purposes of the ICAO Technical Instructions, Section II of Packing Instruction 970 and the HMR as provided by § 173.185(c)(4) when an overpack is used, the "OVERPACK" marking is only required when the package(s) is/are required to display the lithium battery handling label and the handling label is not visible through the overpack.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

heavy  
§ 173.185 (c)(4)(ii)  
Batteries  
16-0003

**Dodd, Alice (PHMSA)**

**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Thursday, January 07, 2016 4:42 PM  
**To:** Hazmat Interps  
**Subject:** FW: Air Shipments of Small Lithium Batteries

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation.

Thanks,  
Shelby

**From:** Richard Lloyd [<mailto:dickchar@rcn.com>]  
**Sent:** Thursday, January 07, 2016 10:34 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Air Shipments of Small Lithium Batteries

Dear Sir,

Please clarify the ICAO/IATA regulations for affixing the lithium battery handling label and the "OVERPACK" mark on overpacks containing inside packages of small lithium metal batteries contained in equipment (UN 3091) and shipped excepted per the IATA Packing Instruction 970 Section II. The batteries shipped would meet all of the compliance requirements in PI 970 Section II such as the aggregate lithium content is not more than 2.0 g, each consignment would be two packages or less where each package contains no more than two batteries installed in equipment, etc..

PI 970 Section II exceptions does not require a lithium battery handling label when a consignment would be two packages or less where each package contains no more than two batteries installed in equipment; nor would any other package marks or labels be required for excepted shipments.

The current IATA, 57th edition effective January 1, 2016, addresses the marking and labeling of overpacks containing inside packages of small lithium metal batteries contained in equipment and shipped excepted per the IATA Packing Instruction 970 Section II by stating an overpack must be marked with the word "Overpack" and labeled with the lithium battery label, unless the label(s) on the package(s) inside the overpack are visible, or, a label is not required. My understanding of this requirement is that the overpack would not be required to be labeled with the lithium battery label since the inside packages are not required to have the lithium battery label when shipped excepted.

However, it appears the overpack would still be required to be marked with the word "Overpack" unless the "Overpack" marking is considered to be a label. Even so, why would an overpack be required to be marked with the word "Overpack" when the inside packages are not required to be marked or labeled?

By comparison, the DOT 49 CFR Hazardous Materials Regulations 173.185 ( c ) ( 4 ) ( ii ), Exceptions for Small Batteries for Air Transportation, specify that "When packages required to bear the handling marking in paragraph (c)(3)(ii) are placed in an overpack, the handling marking must either be clearly visible through the overpack, or the handling marking must also be affixed on the outside of the overpack, and the overpack must be marked with the word "OVERPACK". Be writing this requirement as "when packages required" makes it clear that the handling marking and the word "OVERPACK" are not required on overpacks containing inside packages of small lithium metal batteries contained in equipment and shipped excepted.

Thank you for your assistance in providing the compliance requirements for marking overpacks containing inside packages of small lithium metal batteries contained in equipment and shipped excepted.

Richard J. Lloyd  
31 Bastian Lane

Allentown, PA 18104

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