



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

AUG 28 2009

Mr. Ronald S. Potter
President
MXI, Inc.
297 Zimmerman Lane
Langhorm, PA 19047

Ref. No. 09-0169

Dear Mr. Potter:

This responds to your July 15, 2009 letter on behalf of Maumee Express, Inc. and its sister company MXI Environmental Services LLC requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether Special Provision 130 in § 172.102 and § 173.21 apply to the transportation of 1.5 volt spent alkaline dry cell batteries (i.e., AAA, AA, C & D) when collected as part of a household hazardous waste collection event.

Section 173.21(c) prohibits the transportation of electrical devices that are likely to create sparks or generate a dangerous quantity of heat, unless the devices are packaged in a manner that precludes such an occurrence. Special Provision 130 excepts dry batteries not specifically covered by another entry in the Hazardous Materials Table from regulation under the HMR when they are securely packaged and offered for transportation in a manner that prevents a dangerous evolution of heat and protects against short circuits.

On June 23, 2009, we issued a letter of interpretation to Kinsbursky Brothers (Ref. No. 09-0090). Based upon the test data provided by Kinsbursky Brothers, it is the opinion of this Office that spent 1.5-volt alkaline dry cell batteries are not likely to generate a dangerous quantity of heat nor are they likely to short circuit or create sparks when they are transported in a packaging with no other battery types or chemistries present. Therefore, when transported by highway or rail and separated from other types of batteries of different sizes or chemistries, spent 1.5-volt alkaline batteries do not pose an unreasonable risk in transportation and are not subject to regulation under the HMR.

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

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



Eichenlaub
\$ 172.102 SP130
\$ 173.21
Batteries
09-0169

July 15, 2009

Mr. Charles E Betts
US Department of Transportation
Chief, Standards Development
Office of Hazardous Materials Standards
1200 New Jersey Ave SE
Washington DC, 20590

Dear Mr. Betts:

I am in receipt of a letter from you dated June 23, 2009 addressed to Mr. Paul Johnson, Director of Environmental Affairs Kindursky Brothers Supply Inc 1314 N. Anaheim Blvd Anaheim CA. In this letter you indicate that "when transported by highway or rail and separated from other types of batteries of different sizes or chemistries, spent 1.5 volt alkaline batteries do not pose an unreasonable risk in transportation and are not subject to the regulation under the HMR.

Maumee Express, Inc. and its sister company MXI Environmental Services LLC conducts and transport Household Waste Collections events for a number of counties in the northeast. Confusion about the application of the HMR regulations has become a concern of both our company and the various counties that we work with. I would like to establish that the provisions of this letter would apply to all parties involved in the collection, transportation and disposal of 1.5 volt alkaline batteries as part of a Household Hazardous Waste collection event.

Can you please confirm that the provisions of this letter would apply to Household Hazardous Waste collection events.

Sincerely,

A handwritten signature in black ink that reads "Ron Potter". The signature is written in a cursive style with a large initial "R".

Ronald S. Potter
President
MXI

COMMITTED TO SERVICE

www.mxiinc.com

297 Zimmerman Lane, Langhorne, PA 19047 ■ Phone: 267-590-0043 ■ Fax: 267-590-0051