



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 19, 2024

Mr. Josh Galvarino
Senior Risk Manager
WW DG Regulatory Engagement
Amazon Inc.
1010 Church St.
Nashville, TN 37203

Reference No. 23-0055

Dear Mr. Galvarino:

This letter is in response to your June 20, 2023, letter and subsequent conversations with members of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of “infinity bags”¹—as a carrier—to consolidate packages and whether the “overpack” requirements specified in §§ 173.25(a)(2), 173.185(c)(1)(vi), and 173.185(c)(3)(iii) apply in such instances. You describe several scenarios in which “infinity bags” are used to consolidate packages by Amazon employees (or employees directly contracted to work for Amazon) working at warehouses, intermediate handling facilities, sorting centers, distribution points, etc.—i.e., all within the transportation chain that Amazon operates within its network of facilities, vehicles, and airline. You state that Amazon does not transfer the “infinity bags” to another carrier, airline, or third-party, and uses these consolidating “infinity bags” solely within its network as a carrier. You ask whether the “infinity bags” described in your letter are considered overpacks as defined by § 171.8.

The answer is no. As defined in § 171.8 of the HMR, an overpack “means an enclosure that is used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages.” The intent of the words “used by a single consignor” are to differentiate between a shipper-prepared overpack and an enclosure or handling device utilized by a carrier to consolidate goods for convenience of the carrier and onward movement. Such consolidations are not considered overpacks as defined by § 171.8. As such, when Amazon acts in a carrier capacity and uses “infinity bags” to consolidate packages as a means of convenience for carriage, such bags are not considered overpacks as defined by

¹ In accordance with 49 CFR § 105.30, Amazon requested the “infinity bag” photographs contained within the interpretation request be treated as confidential to prevent any trade secret damage relating to design and construction of the bag.

§ 171.8. However, **if offered for transportation to a third-party** the overpack definition and associated requirements would apply.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Andrews". The signature is written in a cursive, fluid style.

Steven Andrews
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Amazon Request for Letter of Interpretation
Date: Monday, June 26, 2023 4:57:45 PM
Attachments: [Interpretation Request for Applicability of Overpack Requirements to Infinity Bags Amazon Confidential.pdf](#)
[Interpretation Request for Applicability of Overpack Requirements to Infinity Bags Amazon Redacted.pdf](#)

Hi Alice,

Please see the below and attached interpretation request.

Let us know if there is anything else you need.

Regards,

-Breanna

From: Galvarino, Josh <jgalvar@amazon.com>
Sent: Tuesday, June 20, 2023 7:32 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Henisse, Mike <mhenisse@amazon.com>; Patterson, Marianna <pattema@amazon.com>
Subject: Amazon Request for Letter of Interpretation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hazardous Materials Information Center,

Attached please find an interpretation request to clarify applicability of overpack requirements for bags used to consolidate packages containing lithium ion or lithium metal cells and/or batteries meeting the provisions of 49 CFR § 173.185(c) and ICAO Technical Instructions Section II of Packing Instructions 966, 967, 969, 970 that require lithium battery marks on packages.

In accordance with 49 CFR § 105.30, I request the example “infinity bag” photographs contained within the interpretation request be treated as confidential to prevent any trade secret damage relating to design and construction of the bag.

Best regards,

Josh Galvarino
Senior Risk Manager
WW DG Regulatory Engagement
jgalvar@amazon.com
1010 Church St.

Nashville, TN 37203
Virtual Office – McCalla, AL
864-616-8065

June 20, 2023

Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
(Attention: PHH-10)
U.S. Department of Transportation, East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Letter of Interpretation Request

On behalf of Amazon.com, Inc. please accept this request for a letter of interpretation in accordance with 49 CFR, § 105.20. We seek to understand applicability of overpack requirements detailed in US hazardous materials regulations (HMR) and dangerous goods air shipping regulations (ICAO Technical Instructions) when offering lithium ion or lithium metal cells and/or batteries meeting the provisions of 49 CFR § 173.185(c) and ICAO Technical Instructions Section II of Packing Instructions 966, 967, 969, 970 into transportation that require lithium battery marks on packages.

Background

Within air transportation, there are reusable bags utilized to consolidate smaller packages and mailers for ease of handling. These non-transparent bags, referred to as “infinity bags”¹, are loaded with packages at various stages and locations throughout the transportation chain. Packages are subsequently removed from these bags post flight and prior to final destination delivery. We would like clarification on how these bags should be treated in terms of the regulations.

Questions

Does the PHMSA and FAA consider an “infinity bag”, as described above, loaded with packages containing lithium ion or lithium metal cells and/or batteries meeting the provisions of 49 CFR § 173.185(c) and ICAO Technical Instructions Section II of Packing Instructions 966, 967, 969, 970 that require lithium battery marks on packages, as being subject to overpack marking requirements when loaded with packages by:

1. the shipper (Amazon) then offered into transportation?
2. an intermediate handling facility operated by the shipper (Amazon), post departure from the original shipper’s location (e.g. at an air gateway, sortation center/freight forwarder, or distribution point)?
3. a carrier or air operator, post departure from the original shipper’s location?

I ask that you please send me an acknowledgment of our request for a letter of interpretation once it is received and logged for processing. Your consideration in reviewing this request and prompt response are greatly appreciated.

Josh Galvarino

Senior Risk Manager

WW DG Regulatory Engagement

jgalvar@amazon.com

1010 Church St.

Nashville, TN 37203

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¹ See Appendix A for example photographs of Amazon infinity bags.