



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

September 25, 2024

Rex Railsback  
HazMat/DOT Specialist  
Railsback HazMat Safety Professionals, LLC  
312 Lawrence Ave, Lawrence, KS 66049

Reference No. 24-0035

Dear Mr. Railsback:

This letter is in response to your June 3, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of a bulk packaging. You believe the answers provided in Letter of Interpretation (LOI) Ref. No. 23-0052 conflict with both the definition of bulk packaging in § 171.8 and the answers provided in LOI Ref. Nos. 15-0168R and 17-0050. Specifically, you ask whether the answers provided in LOI Ref. No. 23-0052—which states that in the instance of authorized non-specification packaging of a battery secured to a skid or pallet, the weight of the battery determines whether a package is considered bulk or non-bulk—were intended to mean that both the net mass and the maximum capacity requirements must be considered when determining if a packaging used for batteries is a bulk packaging.

The answer is no. Generally, batteries and other similar articles are considered solids for the purposes of the HMR when packed in authorized packaging; however, PHMSA—in the instance of batteries secured to pallets or skids as in §§ 173.159(d)(1) and 173.185(b)(5)—maintains that the weight of the battery alone should be used to determine whether the packaging is considered bulk or non-bulk.

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 "Dirk Der Kinderen".

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

**From:** [INFOCNTR \(PHMSA\)](mailto:INFOCNTR@PHMSA)  
**To:** [Dodd, Alice \(PHMSA\)](mailto:Dodd, Alice (PHMSA))  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Request for written response for clarification of LOI 23-0052  
**Date:** Monday, June 3, 2024 3:29:04 PM

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Dear Alice,

See the attached interpretation request. Let us know if you need anything else.

Best,  
Aminah

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**From:** Rex Railsback <[rex@hazmatgeek.com](mailto:rex@hazmatgeek.com)>  
**Sent:** Monday, June 3, 2024 3:20 PM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** RE: Request for written response for clarification of LOI 23-0052

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Railsback HazMat Safety Professionals, LLC  
312 Lawrence Ave, Lawrence, KS 66049

Rex Railsback, HazMat/DOT Specialist  
913-568-3001  
[rex@hazmatgeek.com](mailto:rex@hazmatgeek.com)  
[www.hazmatgeek.com](http://www.hazmatgeek.com)



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**From:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>

**Sent:** Monday, June 3, 2024 1:48 PM  
**To:** Rex Railsback <[rex@hazmatgeek.com](mailto:rex@hazmatgeek.com)>  
**Subject:** RE: Request for written response for clarification of LOI 23-0052

Dear Rex,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

[https://www.ecfr.gov/cgi-bin/text-idx?SID=1d49a3b137cb1b6fc45251074e634b44&tpl=/ecfrbrowse/Title49/49tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=1d49a3b137cb1b6fc45251074e634b44&tpl=/ecfrbrowse/Title49/49tab_02.tpl)

However, before we can submit your request for processing, please respond to this email with:

- Physical Mailing Address

Sincerely,

Aminah, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

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**From:** Rex Railsback <[rex@hazmatgeek.com](mailto:rex@hazmatgeek.com)>  
**Sent:** Wednesday, May 22, 2024 9:05 AM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** Request for written response for clarification of LOI 23-0052

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This is a request for a written response for clarification of LOI 23-0052, which appears to be contrary to 171.8 and previous LOIs 15-0168R and 17-0050. LOI 23-0052 states that the definition of “bulk packaging for solids” per 171.8, is that the “weight of the battery determines whether a package meeting the requirements of § 173.159(d)(1) is considered bulk or non-bulk.” However, the definition of “bulk packaging for solids” in 171.8 states “A maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid”, which would mean that to be a bulk packaging for solids,

the net mass is greater than 400 kg AND the maximum capacity is greater than 450 L.

Was its PHMSA's intention to have LOI 23-0052 revise the definition in 171.8 and LOIs 15-0168R & 17-0050?

Respectfully

Rex Railsback, HazMat/DOT Specialist

913-568-3001

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Your HazMat Training & Compliance Specialist

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