
From: James Owen <JOwen@matson.com>
Sent: Monday, July 14, 2025 5:06 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Lithium Battery Interpretation Request

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To whom it may concern,

I am requesting an interpretation of 176.905(1)(5) in relation to lithium battery powered vehicles. The Lithium Battery Guide published on the PHMSA website states under section 09 that vehicles shipping under UN3171 are exempt from all requirements of the HMR if the requirements of 176.905 are met.

Additional Vessel Transport Requirements (§§ 176.905/906):

- See § 176.905 for additional requirements and exceptions for vehicles.
- Vessel shipments conforming to any applicable requirements in §§ 173.220, 176.905, and 176.906 are not subject to any other requirements of the HMR.

For lithium-ion battery powered vehicles this is in direct contrast to the exemption for lithium batteries. The exemption under 173.185(c)(i) only allows for lithium-ion batteries up to 100wh's. How is it possible that a lithium-ion battery at 101wh's is not exempt but a Tesla Cybertruck which has a watt hour rating of 123,000 watt hours can be exempted from all requirements?

Furthermore, IMDG Code 42-24 created UN3556 and defined it separately from UN3171. The exemption noted above for vehicles does not by definition appear to include lithium batteries.

IMDG Code SP 388

- △ Entry UN 3171 only applies to vehicles and equipment powered by wet batteries, metallic sodium batteries or sodium alloy batteries, transported with these batteries installed.
- UN 3556 VEHICLE, LITHIUM ION BATTERY POWERED, UN 3557 VEHICLE, LITHIUM METAL BATTERY POWERED and UN 3558 VEHICLE, SODIUM ION BATTERY POWERED, as applicable, apply to vehicles powered by lithium ion, lithium metal or sodium ion batteries transported with the batteries installed.

IMDG Code SP 961.5

- .5 vehicles solely powered by a wet or dry electric storage battery or a sodium battery, and the battery is protected from short circuit.

Is it your department's position that vehicles consigned under the new UN3556 entry would qualify for the exemption? Both IMDG and 49CFR have the same verbiage in the exemption but now they have different definitions for a vehicle powered by a lithium-ion battery.

Does DOT/PHMSA classify a lithium-ion battery as a dry electric storage battery? If not, how does a lithium-battery meet this exemption?

A LOI can be mailed to:

James Owen
Matson Navigation Co.
3426 E Libby St
Phoenix AZ 85032

NOTE: Approval of Shipping Papers is always subject to the Port/Vessel's ability to accommodate the dangerous goods with other commodities, stowage restrictions and permit requirements.

For assistance from the DG Team after 8PM PST please call a member of the team directly.



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