

From: [INFOCNTR \(PHMSA\)](#)
To: [Baker, Yul \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Letter of Interpretation Request
Date: Tuesday, August 26, 2025 10:09:52 AM

Hi Yul,

Please see the attached interpretation request.

Let us know if you need anything.

Janaye

From: Carpenter, Chet <ChetCarpenter@Eaton.com>
Sent: Monday, August 25, 2025 5:19 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Letter of Interpretation Request

You don't often get email from chetcarpenter@eaton.com. [Learn why this is important](#)

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Hello PHMSA,

I'm writing to make a formal letter of interpretation request. My letter is attached as well as a reference document. Please let me know if there is any further information you may need to process this request at your earliest convenience.

Thank you for your time,

****PLEASE NOTE MY E-MAIL ADDRESS HAS CHANGED****

CHET CARPENTER
DIRECTOR OF TECHNICAL SALES

[Now a part of Eaton](#)

F FIBREBOND®

1300 Davenport Drive
Minden, LA 71055

chetcarpenter@eaton.com
www.fibrebond.com



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August 25, 2025

U.S. Department of Transportation
U.S. DOT/PHMSA (PHH-10)
East Building
1200 New Jersey Ave., SE
Washington, DC 20590
INFOCNTR.INFOCNTR@dot.gov

RE: Letter of Interpretation Request

Dear Sir/Madam:

Fibrebond is a modular building manufacturer performing work in the industrial and data center industries. Our manufactured, industrial equipment buildings are transported via specialized hauling equipment by a select few motor vehicle carriers. Recently it was requested that we include in our buildings during shipment full racks of lithium-ion batteries containing multiple cells within custom-manufactured battery racks. These racks are engineered by the battery makers for the specific purpose of safely housing batteries during transport, storage, and use.

I am requesting confirmation on our ability to ship a set of lithium-ion batteries tested to UN3480, then in turn packed (in engineered racks) in a shippable building/container per requirements in UN3536 including special provision 389.

I am using Interpretation Letter 22-0086 (attached) as a basis.

Please advise at your earliest convenience.

Sincerely,

Chet Carpenter

Chet Carpenter
Director of Technical Sales
Fibrebond Corporation, now a part of Eaton



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

1200 New Jersey Avenue, SE
Washington, DC 20590

November 7, 2022

Ms. Laura Warren
Vice President
Fujitrans USA Inc.
1231 E 230th Street
Carson, CA 90745

Reference No. 22-0086

Dear Ms. Warren:

This letter is in response to your August 22, 2022, email and subsequent conversations with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to requirements for transporting lithium ion batteries and nickel-metal hydride batteries by highway. Specifically, you describe a scenario in which your company facilitates the highway movement of 1) “UN3480, Lithium ion batteries, 9” with a watt-hour (Wh) rating greater than 300 Wh, and 2) “UN3496, Batteries, nickel-metal hydride, 9.” You ask several questions regarding the training, hazard communication, and emergency response information (ERI) requirements for highway transportation of these hazardous materials.

Regarding nickel-metal hydride batteries, a nickel-metal hydride battery transported by highway is not subject to any of the requirements of the HMR, except for incident reporting and basic packaging requirements to protect the batteries from damage and short-circuit during movement. Nickel-metal hydride batteries transported by highway are not subject to the HMR’s hazard communication or training requirements. See § 172.102(c)(1) Special Provision 130 for further details on the requirements applicable to nickel-metal hydride batteries transported by highway.

We have paraphrased and answered your questions as applicable to the transportation of large lithium ion batteries greater than 300 Wh as follows:

- Q1. You ask whether drivers are required to have a hazardous material (hazmat) endorsement on their commercial driver’s license (CDL) in order to transport the described lithium ion batteries by highway.
- A1. The answer is no, a driver is not required to have a hazmat endorsement on their CDL to transport lithium ion batteries by highway in the United States. Section 172.504(f)(9)

states that a Class 9 placard is not required for domestic transportation. Therefore, the Federal Motor Carrier Safety Regulations would not require a driver to have a hazmat endorsement on their CDL. However, please be aware that in accordance with § 177.800(c), each driver who is a hazmat employee is subject to the training requirements in Subpart H of Part 172 and the driver training requirements in § 177.816, regardless of whether a hazmat endorsement is required on their CDL.

- Q2. You ask whether dock workers involved in the transloading of a shipping container containing these lithium ion batteries from a vessel to a motor vehicle are required to be “hazmat certified.”
- A2. Based on the understanding that “hazmat certified” means a hazmat employer has certified that a hazmat employee has been trained and tested in accordance with Part 172, Subpart H, then the answer is yes—depending on the function(s) performed by the employee relating to the safe transportation of the lithium ion batteries. The HMR’s training requirements (see Part 172, Subpart H) apply to all employees directly affecting hazardous materials transportation safety. This includes persons who load, unload, or handle hazardous materials; prepare hazardous materials for transportation; or who transport hazardous materials subject to the HMR (see generally, §§ 171.1, 172.702(b)).
- Q3. You ask whether the bill of lading (i.e., the shipping paper) presented to the motor vehicle carrier must comply with the requirements of the HMR.
- A3. The answer is yes. The bill of lading for the described lithium ion batteries is subject to the hazardous materials shipping paper requirements of Part 172, Subpart C.
- Q4. You ask whether a safety data sheet (SDS) is required to be provided to the driver of the motor vehicle.
- A4. A shipment of the described lithium ion batteries is subject to the ERI requirements in accordance with Part 172, Subpart G. An SDS could be used to meet the ERI requirement (see § 172.602(b)(3)); however, it is not the only way to meet the content and accessibility requirements for ERI.
- Q5. You ask whether the consignee of the shipment is required to have “hazmat certified” employees unload the shipping container after delivery.
- A5. The answer is dependent on the details of the delivery procedure at the consignee’s facility. If consignee employees unload the lithium ion batteries from the shipping container while the motor carrier is still present, then this meets the definition of “unloading incidental to movement” and therefore, the consignee employees must be trained in accordance with Part 172, Subpart H requirements. However, if the unloading occurs after the carrier has departed (i.e., no longer with or in presence of carrier personnel), then transportation has ended with respect to the shipment and the consignee employees are not subject to the HMR. See § 171.1(c)(3) for further details.

Q6. You ask whether hazardous material storage protocols are required to be followed at the consignee's facility.

A6. This question is beyond the scope of the HMR. Requirements for the storage of lithium ion batteries may be found in state and local fire codes and regulations issued by the Department of Labor Occupational Safety and Health Administration.

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', is positioned above the printed name.

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

Patrick

22-0086

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Los Angeles transloading Lithium batteries
Date: Monday, August 22, 2022 2:34:48 PM
Attachments: [image001.png](#)

Dear Alice and team,

Please see the interp request below. I apologize for the messy format of the email, as there was a delay in the inquirer sending their address. Please let me know if anything else is needed.

Best,

Rachel (HMIC)

From: laura@fujitransusa.com <laura@fujitransusa.com>
Sent: Monday, August 22, 2022 2:03 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Los Angeles transloading Lithium batteries

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Hello Rachel,

Thank you for your prompt reply. Please note answers below:

Laura Warren, VP

Fujitrans USA Inc.
1231 E 230th Street
Carson, CA 90745
(310) 600-1569

From: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Sent: Monday, August 22, 2022 10:34 AM
To: laura@fujitransusa.com
Subject: RE: Los Angeles transloading Lithium batteries

Dear Laura,

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.phmsa.dot.gov/phmsa-regulations>

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

- Full Name
- Physical Mailing Address
- Telephone Number

Sincerely,

Rachel, 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>

From: laura@fujitransusa.com <laura@fujitransusa.com>

Sent: Monday, August 22, 2022 8:17 AM

To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

Subject: Los Angeles transloading Lithium batteries

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.

Hello Phsma,

Please see below and attached. Fujitrans is a logistics company in the Los Angeles Area. We are currently offering our services to an importer and some of the shipments They are import are lithium batteries UN3980 and UN3496. They are imported on the Water and follow the requirements from the IMDG which requires IMO's and placards To be issued and used for all handling for ocean transport.

The big question and confusion is still the domestic and highway transportation. I have Received information that once the shipment is a domestic shipment moving over the Highway the haz mat protocol is not required.

Is that correct:

1. Drivers are not required to be haz mat certified and no endorsement is required on Their CDL license??? Since the attached indicates no CDL endorsement is required then Logic would be that the shipment is deemed non hazardous / non regulated so no haz Protocol or procedures are required. No placarding, no hazardous indicated shipping

Papers and no training is required to handle these shipments???

2. Dock workers handling the transloading from ocean container to domestic trailer are not Required to be haz mat certified???
3. Truck BOL is not required to indicate any haz mat detail with class, proper shipping name Etc???
4. MSDS is not required to be included with the load, with the driver???
5. Consignee is not required to use haz mst certified dock workers to handle the shipment

Upon deliver??

6. No haz mat protocol is required during storage at consignee's facility??

This is my confusion that I need clarification. I understand how to handle for air And ocean. My confusion starts once the shipments are domestic and in need of Highway motor carrier transportation.

Are the shipments imported by ocean under UN3480 and UN3496 non regulated Once they are transported by highway by motor carrier truck service???

Please confirm soonest and I would like the opportunity to call your offices this Morning to discuss and confirm. You will see the attached includes a letter from The PHMSA confirming that drivers are not required to have a CDL endorsement On their license so that would steer me to handle the entire shipment as a non Regulated / non hazardous shipment.

Please advise soonest.

Best Regards,
Laura Warren
Fujitrans USA inc.
(310) 600-1569

Hi Laura,

Your enquiry was passed to me by our LA office. It is a little out of our normal purview, but I think you are on the correct path.

Please see the attached PHMSA interpretation, specifically a similar question and answer below (Q2 and A2) for guidance.

Q2: You ask whether the driver of a motor vehicle transporting an energy storage system classified as "UN3536, Lithium batteries installed in cargo transport unit, 9" is required to have a hazmat endorsement on his or her Commercial Driver's License (CDL).

A2: The answer is no. For purposes of 49 CFR Part 383 and the applicability of the CDL hazmat endorsement, a “hazardous material” is defined in 49 CFR 383.5 as a material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under Subpart F of 49 CFR Part 172; or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73. In your scenario, the cargo transport unit does not require placards under Subpart F of 49 CFR Part 172 (see § 172.504(f)(9)).

The PHMSA interpretation website has a search function (magnifying glass on the left and enter the CFR section) which can be useful tracking previous interpretations related to a particular section of code. Link below.

<https://www7.phmsa.dot.gov/regulations/title49/b/2/1>

[Interpretations | PHMSA](#)

49 CFR Parts 100 - 199 This section provides interpretations related to PHMSA's safety regulations, as well as regulations parts identified by the part number and subject.

www7.phmsa.dot.gov

Regards,

Robert Harris

Deputy Chief Surveyor - Pacific Ports

National Cargo Bureau

Mobile: (206) 900-6497

Email: harris@natcargo.org

Visit our Website: www.natcargo.org



Our Mission: Safety of Life and Cargo at Sea

From: laura@fujitransusa.com <laura@fujitransusa.com>

Sent: Tuesday, February 15, 2022 10:34:27 AM

To: ncblax@natcargo.org <ncblax@natcargo.org>

Subject: Tacoma and Los Angeles transloading

Hello Greg,

See below. So I think I found the reg. Does that reg cover the 2 UN's I sent you???

UN3480 and UN3496???

My assumption is that we do not need haz drivers or placards when transporting
By truck.

Please confirm..

Thanks much,
Laura Warren
Fujitrans USA Inc.
(310) 600-1569

For Class 9 (Miscellaneous) hazardous materials, placards are not required to be displayed for domestic transportation, including the domestic portion of international transportation, that occurs within the United States (see § 172.504(f)(9) of the HMR).

In accordance with the FMCSA regulations, only drivers of vehicles transporting hazardous materials that are required to be placarded in accordance with Subpart F of Part 172 of the HMR must have a hazardous materials endorsement to their CDL (See § 383.93). **Thus, a hazardous materials endorsement is not required for a driver transporting any quantity of Class 9 materials, even when placarded with Class 9 placards.**

He also shared this link to FMSCA's guide for placarding that clearly states Class 9 is not required for domestic transportation, bulk transport is required to display the ID but not to be a hazmat certified driver or be covered under hazmat insurance.

https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Hazardous_Materials_Markings_Labeling_and_Placarding_Guide.pdf



Virus-free. www.avg.com