



INTERNATIONAL VESSEL OPERATORS
DANGEROUS GOODS ASSOCIATION

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September 30, 2025

Mr. Matthew Nickels
Director, Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building, 1200 New Jersey Ave., SE
Washington, D.C. 20590-0001
Submitted: Via Email
cc: infocntr@dot.gov

Dear Mr. Nickels,

IVODGA would like to request a formal letter of interpretation requesting clarification of **49 CFR, §176.905(i)** and its application to **lithium battery-powered vehicles** shipped by vessel. Specifically, we would like to confirm whether this exception applies to lithium battery-powered vehicles packed in containers and loaded on a container ship for transport by vessel.

The International Vessel Operators Dangerous Goods Association (IVODGA), founded in 1990, is an international organization comprised of representatives of the ocean common carriers of the world, operating under the flags of several nations, dedicated to improving the understanding and uniform application of rules and regulations governing maritime transportation of dangerous goods. Collectively, IVODGA members are responsible for the safe transportation of over 75% of the world's ocean borne container traffic. IVODGA's primary focus is to foster the safe handling of dangerous goods, as well as to offer the expertise of the ocean carriers in the development of international and national multimodal regulations. IVODGA holds consultative status and actively participates at the International Maritime Organization (IMO) and the United Nations (UN) Sub-Committee of Experts on the Transport of Dangerous Goods.

IVODGA members have raised concerns on a current industry practice in which shippers interpret two paragraphs in **49 CFR, §176.905(i)** to transport lithium battery-powered vehicles as non-hazardous cargo on containerized vessels.

The exception states the vehicle is not subject to the requirements of the Hazardous Materials Regulations (HMR) provided the following conditions are met:

"Committed to the promotion of the safe handling and transportation of dangerous goods."

Bermuda Container Line ♦ CMA CGM (America) LLC
COSCO Container Lines Americas, Inc. ♦ Crowley Maritime Corporation ♦ Evergreen America Corporation ♦
Hapag-Lloyd AG ♦ Hyundai America Shipping Agency ♦ Independent Container Line, Ltd. ♦
Klinge Corporation ♦ Maersk Line ♦ Matson Navigation Company ♦
National Cargo Bureau ♦ Ocean Network Express, Inc. ♦ OOCL (USA) Inc. ♦ Seaboard Marine, Ltd. ♦
Tampa Bay International Terminals ♦ Tropical Shipping USA, LLC. ♦ Wallenius Wilhelmsen Logistics ♦
Wan Hai Lines Ltd. ♦ Yang Ming Marine Transportation Corp.

(1) The vehicle is stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel tank, as appropriate. For vehicles with batteries connected and fuel tanks containing gasoline transported by U.S. vessels, see 46 CFR 70.10-1 and 90.10-38.

- i. For vehicles powered solely by lithium batteries and hybrid electric vehicles powered by both an internal combustion engine and lithium metal or ion batteries offered in accordance with this paragraph, the lithium batteries, except for prototype or those produced in low production, must be of type that has successfully passed each test in the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter), as specified in § 173.185(a) of this subchapter. Where a lithium battery installed is damaged or defective, the battery must be removed.

...

(5) The vehicle is solely powered by a wet or dry electric storage battery or a sodium battery, and the battery is protected from short circuit.

IVODGA members interpret each of these paragraphs as follows:

- Paragraph (1) explains that when a vehicle is stowed on a vessel in a location that is specifically approved for vehicles (i.e. a Roll on-Roll off vessel), the vehicle is not subject to the Hazardous Materials Regulations (HMR). The inclusion of subparagraph (i) is only to indicate that vehicles powered by lithium batteries excluded from regulation on Ro-Ro vessel are still subject to battery provisions.
- Paragraph (5) addresses battery chemistries OTHER THAN lithium metal and ion battery chemistries.

We note that in the **IMDG Code Amdt 42-24**, specifically **Special Provision 961** assigned to **UN3556, VEHICLE, LITHIUM ION BATTERY POWERED**, contains similar language stating:

“Vehicles are not subject to the provisions of this Code, other than those in P912, SP388 and SP977 when applicable, if any of the following conditions are met: ... [5] vehicles solely powered by a wet or dry electric storage battery or a sodium battery, and the battery is protected from short circuit.”

This language, which mirrors **49 CFR, §176.905(i)(5)**, seems to introduce a regulatory gap in the handling of lithium battery-powered vehicles shipped by vessel, both domestically and internationally, by permitting the use of exceptions that may not have been originally intended for lithium battery-powered vehicles packed in containers and loaded on a container ship for transport by vessel.

Given the uncertainty, we would like to confirm our understanding and request clear guidance on the following items:

- (1) The provision in §176.905(i)(1) applies only to lithium battery-powered vehicles stowed on Ro-Ro vessels and does not apply to containerized vehicles, and
- (2) **Lithium-ion batteries** are not considered wet or dry electric storage batteries for purposes of the exception in **§176.905(i)(5)**.

IVODGA appreciates your review of this interpretation request, and we look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Diaz', with a stylized flourish extending to the right.

Ana Diaz
Regulatory Compliance Specialist
IVODGA