

From: [INFOCNTR \(PHMSA\)](#)
To: [Baker, Yul \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: Letter of Interpretation Request- FW: Request for a written interpretation on the version of the UN 38.3 test to be used for lithium batteries
Date: Monday, November 17, 2025 13:32:01

Good afternoon,

Please see the following interpretation request. Let us know if you need anything else.

Best,
Janaye

From: Eva Glimsche <eva.glimsche@lithium-battery-service.de>
Sent: Monday, November 17, 2025 3:53 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for a written interpretation on the version of the UN 38.3 test to be used for lithium batteries

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Dear PHMSA Team,

I just stumbled across a discrepancy in the 49 CFR with regards to international transport of lithium cells and batteries manufactured in the USA.

In §173.185 (a)(1) there is the reference to the UN test series 38.3 and in §173.185 (3) the reference to the test summary.

Yet the reference to the UN Manual of Tests and Criteria in §171.7 is (dd) (i) and (ii) is as follows:

- (i) Seventh revised edition (2019).
- (ii) Seventh Revised Edition, Amendment 1 (2021).

In the ICAO TI 2025-2026 the reference to the UN Manual of Criteria is for the 8th revised edition. Since in the ICAO TI under USG-01 it reads "When the ICAO Technical Instructions are used for consignments of dangerous goods, failure to comply with the ICAO Technical Instructions and all relevant US variations is a violation of the United States Regulations."

So any US manufacturer of lithium cells and batteries wanting to ship those internationally via air transport needs to have the lithium cells and batteries tested according to the 8th revised edition UN Manual of Criteria. And therefore the reference in the Test Summary for a test conducted in 2025 needs to be to the 8th revised edition. Is that correct?

When a company purchases lithium cells and batteries to contain those into their equipment, in our understanding the purchasing company needs to check the Test Summary of the lithium cells and batteries for formal validity and plausibility with regards to the transport regulations. Now if the above discrepancy occurs in our opinion the purchasing company needs to ask the manufacturer for a correction of the Test Summary with the wrong reference to the UN Manual of Criteria and may not ship the lithium cells and batteries without a compliant Test Summary. What is PHMSA´s interpretation on this?

Looking forward to hearing from you.

Best regards,

Eva

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