



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 6, 2026

Shannon Walker
NAVSEA NUWC Keyport
610 Dowell Street Bldg. 894
Keyport, WA 98345

Reference No. 25-0098

Dear Ms. Walker:

This letter is in response to your July 15, 2025 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of a hazardous waste. Specifically, you ask about waste batteries described as “UN2795, Batteries, wet, filled with alkali” that are shipped as universal waste and thus not subject to the Environmental Protection Agency (EPA) hazardous waste manifest requirements.

We have paraphrased and answered your questions as follows:

- Q1. Must a universal waste, that is not an EPA hazardous waste but is a hazardous material, be transported as hazardous material (as opposed to EPA hazardous waste)?
- A1. Yes. Any material that meets the definition of a hazardous material must be transported in accordance with the HMR as a hazardous material, unless otherwise excepted by regulation. Universal wastes not subject to EPA’s hazardous waste manifest requirements may still be subject to the HMR as a hazardous material if the universal waste meets the definition of a specific hazard class or is listed as a hazardous substance in Appendix A to § 172.101. In the scenario presented in your letter, the batteries (*i.e.*, UN2795) shipped as universal waste are hazardous materials subject to the HMR based on meeting Class 8 corrosivity criteria.
- Q2. Is it permissible to modify the proper shipping name (PSN) for a hazardous material to include any variant of the phrase “universal waste” (*e.g.*, “UN2795, Batteries, wet, filled with alkali (universal waste)”)?
- A2. No. Section 172.101(c)(9) of the HMR requires shippers to place the word “waste” in front of the PSN for a material that is a hazardous waste as defined in § 171.8 (*i.e.*, is

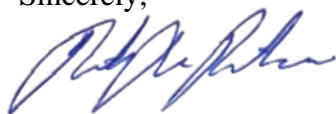
subject to EPA manifest requirements), if the hazardous materials description does not already include the word “waste.” The HMR do not permit the use of the word “waste” preceding a PSN for a material that is not a hazardous waste as defined in the HMR (*e.g.*, universal wastes). Therefore, the PSN must appear as prescribed in Column (2) of the Hazardous Materials Table in § 172.101. However, additional information may be provided on a shipping paper, such as indicating that the material is a universal waste, provided this information is entered after the basic shipping description of the hazardous material.

- Q3. Is it correct to mark a package containing batteries, which are considered universal wastes, as a hazardous material using the United Nations (UN) identification number and PSN “UN2795, Batteries, wet, filled with alkali?”
- A3. Yes. This information must be provided on required packages (see § 172.301(a)(1)). See also answer A1.
- Q4. Can the outer packaging of a hazardous material shipment be marked “used batteries” in addition to the hazardous material markings required by the HMR?
- A4. Yes. The packaging may contain additional markings; however, the marking must be placed so as not to reduce the effectiveness of the markings required by the HMR. See § 172.304(a)(4).
- Q5. How would “UN3480, Lithium ion batteries” be marked and labeled for shipment to a recycling facility?
- A5. Lithium cells or batteries shipped for disposal or recycling may be transported under the provisions of § 173.185(d), which provides conditions for exception from general requirements for lithium batteries transported for disposal or recycling. The shipment may be further excepted from the hazard communication and training requirements of Subparts C through H of Part 172 of the HMR when the lithium cells or batteries meet the size, packaging, and hazard communication conditions provided in § 173.185(c)(1)-(3).
- Q6. Would “UN3480, Lithium ion batteries” be shipped as a hazardous material or as hazardous waste? Would the packaging markings/labels indicate “universal waste” or “waste” in any capacity, or would the package simply be marked to reflect the UN identification number and PSN?

A6. See answers A1, A2, and A3.

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', with a stylized, cursive script.

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

From: [Walker, Shannon Loree CIV USN NUWC DIV KPT WA \(USA\)](#)
To: [INFOCNTR \(PHMSA\)](#)
Subject: Formal Letter of Interpretation request
Date: Tuesday, July 15, 2025 14:17:15

POC:
Shannon Walker / James Blythe

Mailing Address:
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Keyport, WA 98345

Good afternoon,

I'm looking for clarification regarding marking/labeling requirements to ship waste battery cells that meet the EPA's universal waste criteria per 40 CFR Part 273. I know that the intent of the EPA's universal waste ruling was to simplify the management process for commonly generated wastes such as pesticides, batteries, aerosols, mercury-containing equipment, lamps, etc, but it's still somewhat confusing where the EPA universal waste requirements end and the DOT shipping requirements start.

Here is some background information regarding the batteries in question:

- The battery cells in question use potassium hydroxide (KOH) electrolyte and are a hazardous material.
- The manufacturer's SDS for the battery cells states that the proper UN ID number is 2795 and that the proper shipping name is "BATTERIES, WET, FILLED WITH ALKALI".
- Waste battery cells are shipped to a reclamation facility to recover the useful materials for later re-use in manufacturing new battery cells.

To keep this email focused, my questions are numbered below.

1. From the Department of Transportation's perspective, is universal waste that is also a hazardous material shipped/marked/labeled as a hazardous material (as opposed to hazardous waste)?

The EPA's universal waste requirements in 40 CFR 273 delegate universal waste packaging/marking/labeling/handling requirements to the Department of Transportation. Under normal circumstances, a hazardous waste shipment would require a Hazardous Waste Manifest in accordance with 40 CFR 262. However, universal waste is exempt from Hazardous Waste Manifests per 40 CFR 261.9. This seems to imply that hazardous material that is a universal waste is intended to be shipped as a hazardous material, rather than as a hazardous waste.

2. Is it ever permissible to modify the proper DOT shipping name for a hazardous material to include any variant of the phrase “universal waste”, such as “universal waste – batteries” or “BATTERIES, WET, FILLED WITH ALKALI (UNIVERSAL WASTE)”?

My understanding of 49 CFR 172.101 is that proper shipping names for hazardous materials cannot be modified except as permitted within 49 CFR 172.101.

Additionally, 40 CFR 273.52(b) explicitly prohibits modifying the DOT proper shipping name for a universal waste hazardous material to include the word “waste”. Since “universal waste” refers to a broad number of hazardous materials that could each have multiple UN ID numbers and proper shipping names, it’s only logical that the proper shipping name “universal waste” would not adequately indicate the hazard associated with a material.

3. From the perspective of the DOT, is it correct to ship/mark the hazardous material in question (universal waste battery cells) as a hazardous material without a hazardous waste manifest using the UN ID number and proper shipping name provided below?

UN2795

BATTERIES, WET, FILLED WITH ALKALI

4. Can the exterior packaging of a hazardous material shipment be marked “used batteries” in addition to the hazardous material markings required by the Department of Transportation? Assume the marking is on the packaging only and is not reflected on any of the shipping paperwork.

Universal waste type identification on external packaging or individual items is required by 40 CFR 273.14(a). Applying the label to the outside of the shipping container would be easiest, but I can label individual items instead if doing so may avoid confusion during shipping.

5. How would lithium batteries with UN ID number 3480 and proper shipping name “Lithium ion batteries” be marked/labeled for shipment to a recycling facility? Would they be shipped as a hazardous material or as hazardous waste? Would the packaging markings/labels indicate “universal waste” or “waste” in any capacity, or would the package simply be marked to reflect the UN ID number and proper shipping name?

Though the marking requirements are likely stricter for lithium batteries than for wet alkaline batteries, the overall process is analogous to what I am trying to accomplish—and I imagine you field more questions regarding lithium batteries than wet alkaline batteries. Being able to relate the lithium battery shipping process to the shipping process for our battery cells would be super helpful in understanding the overall shipping process.

Thank you very much!

V/R,

Shannon Walker

C/50 Dept. Property Manager

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