

TIMOTHY W. WISEMAN
twiseman@scopelitis.com
Direct Dial: 317.492.9221

May 27, 2026

*Sent Via [Email/Matthew.Nickels@dot.gov](mailto:Matthew.Nickels@dot.gov) and
U.S. First Class Mail*

Mr. Matthew Nickels, Director
Standards & Rulemaking
Office of Hazardous Materials Safety
Pipeline & Hazardous Material Safety Adm.
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for Guidance Related to 49 C.F.R. § 173.185(f)

Dear Mr. Nickels:

I write to request formal guidance from the U.S. Department of Transportation, Pipeline & Hazardous Material Safety Administration (“DOT”) with respect to the how 49 C.F.R. § 173.185(f) applies to a damaged, defective or recalled (“DDR”) battery pack configuration. This regulation states as follow:

(f) Damaged, defective, or recalled cells or batteries. Lithium cells or batteries that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit (e.g., those being returned to the manufacturer for safety reasons) may be transported by highway, rail or vessel only, and must be packaged as follows:

- (1) Each cell or battery must be placed in individual, non-metallic inner packaging that completely encloses the cell or battery;*
- (2) The inner packaging must be surrounded by cushioning material that is non-combustible, electrically non-conductive, and absorbent; and*

(3) Each inner packaging must be individually placed in one of the following packagings meeting the applicable requirements of part 178, subparts L, M, P, and Q of this subchapter at the Packing Group I level:

(i) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), or solid plastic (4H2) box;

(ii) Metal (1A2, 1B2, 1N2), plywood (1D), or plastic (1H2) drum; or

(iii) For a single battery, and for a single item of equipment containing cells or batteries, the following rigid large packagings are authorized:

(A) Metal (50A, 50B, 50N);

(B) Rigid plastic (50H);

(C) Plywood (50D); and

(4) The outer package must be marked with an indication that the package contains a “Damaged/defective lithium ion battery” and/or “Damaged/defective lithium metal battery” as appropriate. The marking required by this paragraph must be in characters at least 12 mm (0.47 inches) high.

Scenario: The Firm’s client is looking to recover DDR battery packs for its customer and wants to ensure compliance with the packaging and securement requirements under the applicable regulations. In this case, the battery packs are comprised of multiple modules that are strung together with bus-bars to multiply each module’s voltage output to a total pack voltage. My client’s engineering team has proposed de-bussing the battery packs for shipping to reduce the voltage of the pack by removing the string that ties all of the modules together. Once each module has been de-bussed, the outer casing (often a metal tray with a fiberglass or plastic cover) would be re-secured for shipping. The entire pack would then be shipped in a compliant DDR pack sized crate and shipped via ground transport for recycling. I have enclosed some photographs of sample DDR battery packs for illustrative purposes.

Question: The question we have with this proposed shipping procedure is whether by de-bussing each separate battery within the DDR pack, each module becomes its own “battery” and thus could not be shipped in certain DDR packaging rated for multiple batteries. In that regard, we note that 49 C.F.R. § 173.185(f)(1) requires each battery be placed in “individual, non-metallic inner packaging that completely encloses the cell or battery.”

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In my opinion, the company would not need to separately package each individual module after de-bussing as long as they are packaged as originally intended by the manufacturer (absent the disconnection from the power display). De-bussing each individual module would be just another safety measure to minimize risks during ground transport under 49 C.F.R. § 173.185(f). However, we would like to obtain official guidance from the agency on this particular scenario for the DDR battery packs at issue.

I appreciate your review of this matter and am available to answer to any additional questions or concerns you may have in reviewing this request for guidance.

Very truly yours,

/s/ Timothy W. Wiseman

Timothy W. Wiseman

TWW/kkc

Enclosure

cc: [PHMSA Guidance@dot.gov](mailto:PHMSA.Guidance@dot.gov)