



U.S. Department of Transportation
**Pipeline and Hazardous Materials Safety
Administration**
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Washington, DC 20590

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MEMO TO FILE

From: Carolyn Nelson, P.E.
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Subject: Categorical Exclusion Determination
HM-268C: Reducing Burdens on Domestic Companies Using Battery-
Powered Equipment in Trades

FINAL ACTION

This final rule removes undue regulatory burdens by amending the Materials of Trade (MOTs) exceptions at 49 CFR 173.6 to allow for the transportation of increased quantities of lithium batteries. The current MOTs exceptions unnecessarily limit the number and size of lithium batteries that can be safely transported by domestic companies. This allowance applies to domestic companies in sectors such as construction, landscaping, mowing, tree service, food service, and entertainment, enabling them to more efficiently carry the power sources required to perform their trade. The regulatory revision authorizes up to 30 kg per battery, a 500 kg gross vehicle limit, and no limit for batteries installed in equipment, while including provisions to prevent short circuits, shifting damage, and accidental activation.

APPLICABLE CATEGORICAL EXCLUSION

Categorical exclusions (CE) are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or an environmental impact statement (EIS). [DOT Order 5610.1D](#), DOT's current National Environmental Policy Act (NEPA) procedures, notes in paragraph 9(f) that "[a]n OA may apply a CE established in another OA's procedures." PHMSA coordinated with the Federal Highway Administration (FHWA) to determine that the following FHWA CE is applicable to the action described above and can be used by PHMSA per Section 9(f) of DOT Order 5610.1D:

*Promulgation of rules, regulations, and directives.*¹

¹ 23 CFR 771.117(c)(20)

UNUSUAL CIRCUMSTANCES

Based on the scope of the action, PHMSA has determined that this rulemaking action does not meet the criteria for unusual circumstances listed in 23 CFR 771.117(b), which would require PHMSA to conduct appropriate environmental studies to determine if the CE classification is proper.

DETERMINATION

PHMSA analyzed the final rule and determined that the rulemaking will not adversely affect safety and will not significantly affect the quality of the human and natural environment. Based on the information provided in the Notice of proposed rulemaking (NPRM), including a review of unusual circumstances, PHMSA finds the final action qualifies as a Categorical Exclusion in accordance with Section 102 of the National Environmental Policy Act, 42 U.S.C. § 4332, DOT Order 5610.1D, Departmentwide National Environmental Policy Act Implementing Procedures, and 23 CFR 771.

Approved by the Environmental Analysis and Compliance Division:
