



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 02 2018

Manuel Gonzalez
Dangerous Goods Specialist
Arvato Digital Services, LLC
2053 E. Jay Street
Ontario, CA 91764

Reference No. 17-0116

Dear Mr. Gonzalez:

This letter is in response to your October 16, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to lithium battery markings. You describe the following scenario:

- You have packages of lithium ion batteries contained in equipment (UN3481).
- Each package contains one 42 watt-hour lithium ion battery (4 cells per battery).
- At least 50 packages are shrink-wrapped together on a pallet to be shipped by highway.

Specifically, you ask whether each package in the shrink-wrapped pallet is required to be marked with hazard communication markings in accordance with § 173.185(c)(3).

The answer is no. Currently, the hazard communication marking in § 173.185(c)(3) is not required on packages that contain no more than two lithium batteries. However, per the final rule titled "Hazardous Materials: Harmonization with International Standards (RRR)" [HM 215N; 82 FR 15796], which further aligns the HMR with certain international standards, the hazard communication marking will be required after December 31, 2018, when one consignment consists of more than two packages of lithium batteries contained in equipment. Subsequently, each package in the scenario you describe will require the new standardized lithium battery mark after December 31, 2018.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

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

Casey
§ 173.185
Batteries
17-0116

Dodd, Alice (PHMSA)

From: Patrick, Eamonn CTR (PHMSA)
Sent: Tuesday, October 17, 2017 2:59 PM
To: Hazmat Interps
Cc: Dodd, Alice (PHMSA); January, Ikeya CTR (PHMSA)
Subject: FW: Request for clarification. Hazard communication 173.185 (3)
Attachments: Clarification letter to the DOT 10.6.17_.docx

Hi Alice/Ikeya,
Please submit this as a letter of interpretation. Mr. Gonzalez spoke to Breanna. Let me know if you have any questions!
Thanks,

Eamonn

From: Gonzalez, Manuel, Arvato Digital Services LLC, SCM USA Louisville [mailto:manuel.gonzalez@arvato.com]
Sent: Monday, October 16, 2017 5:28 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Harp, Angela, Arvato Digital Services LLC, SCM USA Louisville <angela.harp@arvato.com>; Gerhardt, Artur, A-SCM-TM <artur.gerhardt@bertelsmann.de>
Subject: Request for clarification. Hazard communication 173.185 (3)

U.S. Department of Transportation
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East Building 2nd Floor
1200 New Jersey Ave, SE
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20590

Request for clarification on when the lithium battery mark is required ?
I just spoke to Breanna from DOT and posed this same question. I sent a formal letter to the DOT dated October 6, 2017 (see attached).

Here is my scenario:

Mode: Highway

1. UN/PSN: UN3481 Lithium ion battery contained in equipment.
2. Each single package contains one (1) lithium ion battery (cells per battery = 4) (i.e. Laptop/tablet).
3. Watt hour of each battery = 42.
4. 50+ single packages shrink-wrapped to a pallet (more than packages per consignment).

Am I still required to mark each package containing the net quantity of 1 lithium ion battery / 4 cells per battery?

Best Regards,
Manuel Gonzalez

Dangerous Goods Specialist
Arvato Digital Services LLC
2053 E. Jay Street
Ontario, CA 91764
909-214-7206
manuel.gonzalez@arvato.com

arvato

BERTELSMANN

Web: www.arvato.com/us

Arvato Digital Services LLC | 2053 E. Jay St. |
Ontario, CA 91764

October 6, 2017

U.S. Department of Transportation
Pipeline of Hazardous Materials Safety Administration
East Building 2nd Floor
1200 New Jersey Ave, SE
Washington, DC 20590

Subject: Request for clarification. Hazard Communication 173.185 (3).

Q 1. When must my package be required to bear the lithium battery mark?

Q 2. Am I required to mark every package in the consignment?

Mode: Highway.

1. Each package contains one lithium ion battery that is contained in the equipment (UN3481).
2. The watt hour rating that is contained in each laptop is 42.
3. My shipment consists of 50 packages that are shrink-wrapped to a pallet (overpack).
4. There are more than two packages in this consignment.

Respectfully submitted,

Manuel Gonzalez
Dangerous Goods Specialist
Arvato Digital Services llc.
Manuel.Gonzalez@arvato.com
909-214-7206