



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 17 2018

Mr. Tom Boyd
389 Brighton Hill Road
Minot, ME 04258

Reference No. 17-0112

Dear Mr. Boyd:

This letter is in response to your October 10, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the configuration of wet batteries secured to a pallet. Specifically, you ask three questions regarding a letter of interpretation previously issued by this Office under Reference No. 14-0037.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether Configuration #1 in Reference No. 14-0037 complies with the provisions of § 173.159(d), which authorize the use of non-specification packagings for batteries packed without other materials.
- A1. The answer is no. Because the non-battery materials are placed on top of the shrink-wrapped battery layer on the same pallet in Configuration #1, the scenario is not in compliance with § 173.159(d).
- Q2. You ask whether a shipper may place batteries packed in 5-sided slip covers on the same pallet with other materials under § 173.159(d).
- A2. The answer is no. The scenario you describe in Question Q2 is only authorized under the terms of a special permit.
- Q3. You ask if Special Permit DOT-SP 16171 authorizes other materials, such as pails, cans, or pipes, to be packed with batteries on the same pallet.
- A3. The answer is yes, provided the pails, cans, or pipes are packed in plastic totes or fiberboard boxes under the terms of the special permit. Further, the materials must be contained in strong outer packagings that are sift-proof if solid or leakproof if liquid.

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Stevens
§173.3
Batteries
17-0112

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, October 13, 2017 9:39 AM
To: Hazmat Interps
Subject: FW: Clarification on Letter of interpretation 114-0037

Hi Alice,

Please submit this as a letter of interpretation. Mr. Boyd spoke with Eamonn and Breanna.. Let me know if you have any questions.

Thanks,
Jodi

From: Tom Boyd [mailto:tom@eastbranchdelivery.com]
Sent: Tuesday, October 10, 2017 9:55 AM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Clarification on Letter of interpretation 114-0037

Dear Sirs,

I need to know if option 1 of the above letter of interpretation is a legal meaning of shipping Batteries, Wet, filled with acid, electric stowage. The letter seems to say option 2 is ok but does not clearly say option 1 is ok. My read on option 1 is that to use that method, which allows for co-mingling batteries without individual packaging with other freight in a shrink wrapped pallet, is only allowed by obtaining a special permit 16171.

Please produce a written response clarifying whether or not a shipper can ship batteries without individual packaging and labeling, like the 5 sided cartons which were the standard for a long time, co-mingled with other freight like cartons, shipping totes, pails, cans, pipes, etc. in a shrink wrapped pallet without a special permit.

My read on the provisions of the special permit limit what can be co-mingled to cartons and shipping totes which would disallow the pails cans pipes etc. even if a special permit was obtained.

Thank you,

Tom Boyd
389 Brighton Hill Road
Minot, ME 04258

207-577-4631