



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 20 2018

Mr. Jeff Koon
Director of Engineering
Lifetime Brands, Inc.
2311 W. 22nd Street
Suite 200
Oak Brook, IL 60523

Reference No. 18-0142

Dear Mr. Koon:

This letter is in response to your November 14, 2018, email and subsequent phone call requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to hazard communication requirements for packages containing lithium button cell batteries installed in equipment. Specifically, you ask whether packages containing lithium button cell batteries installed in equipment must display the lithium battery mark in accordance with § 173.185(c)(3).

The answer is no. Packages containing only lithium button cell batteries installed in equipment, including circuit boards, that comply with the requirements of § 173.185(c) are not required to display the lithium battery mark. This applies regardless of the number of packages per consignment, the number of pieces of equipment per package, or the number of lithium button cell batteries installed in each piece of equipment.

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

Cicearone
18-0742

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, November 15, 2018 11:01 AM
To: Hazmat Interps
Subject: FW: Request for letter of interpretation

Hello Alice and Ikeya,

Below is a request for letter of interpretation. We told him the answer because of an IG but could not find an actual letter that answered his question.

Thanks,

Jonathon, HMIC

From: Jeff Koon [mailto:jkoon@filamentbrands.com]
Sent: Wednesday, November 14, 2018 4:54 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Ajit Shanbhag <ashanbhag@filamentbrands.com>
Subject: Request for letter of interpretation

Jeff Koon
Phone#: 630-468-5247
Email: jkoon@filamentbrands.com
Physical address:
Taylor Precision Products
Ann: Jeff Koon
2311 W. 22nd Street, Suite 200
Oak Brook, IL 60523

I am writing specifically in regards to 49 CFR 173.185 (c) (3)

(3) *Hazard communication*. Each package must display the lithium battery mark except when a package contains button cell batteries installed in equipment (including circuit boards), or no more than four lithium cells or two lithium batteries contained in equipment, where there are not more than two packages in the consignment.

The questions are:

1. Does this statement "where there are not more than two packages in the consignment." at the end of this section apply back to button cell batteries installed in equipment?
2. Are all lithium button cell batteries contained in equipment exempt from hazard communication labeling?

For example this section has two unique and separate exemptions and these are them (1&2 below):

Each package must display the lithium battery mark except when

1. A package contains button cell batteries installed in equipment (including circuit boards)

Or

2. No more than four lithium cells or two lithium batteries contained in equipment, where there are not more than two packages in the consignment.

We have been instructed by a customer that we have to apply the UN 3091 label



to our products that have lithium button cell batteries contained in the equipment. Because, even though they are lithium button cell batteries contained in equipment there will always be more than two packages in our consignments to them. They are interpreting the section as:

(3) *Hazard communication.* Each package must display the lithium battery mark except when a package contains button cell batteries installed in equipment (including circuit boards), where there are not more than two packages in the consignment.

We need written confirmation of the correct application of this exemption.

Thank you,

Jeff Koon | Director of Engineering | Lifetime Brands, Inc.
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