



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 27 2019

Mr. Richard J. Lloyd
31 Bastian Lane
Allentown, PA 18104

Reference No. 18-0098

Dear Mr. Lloyd:

This responds to your July 3, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the hazard communication requirements for packages containing lithium ion batteries in equipment when transported by air. Specifically, you ask whether a shipment consisting of 10 identical packages containing one lithium ion battery installed in equipment (UN3481) per package, needs to be marked with the lithium battery mark prescribed in § 173.185(c)(3). Each battery in the shipment has a Watt-hour (Wh) rating of less than 100 Wh and each package is prepared in accordance with § 173.185.

The answer is yes. As prescribed in § 173.185(c)(3), 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*. Emphasis added. As defined in the introductory text to § 173.185, *consignment* means one or more packages of hazardous materials accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address. Therefore, assuming your shipment consists of more than two packages in each consignment, the lithium battery mark is required. This requirement is also consistent with Packing Instruction 967 of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air.

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

Sincerely,

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

Stevens
18-0098

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, July 03, 2018 3:44 PM
To: Hazmat Interps
Subject: FW: IATA Lithium Battery Mark

Hi Ikea,

Below is a request for a letter of interpretation. Mr. Lloyd spoke with Eugenio. Please let me know if you have any questions.

Thank you,
Jodi

From: dickchar@rcn.com [mailto:dickchar@rcn.com]
Sent: Tuesday, July 03, 2018 3:17 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Fwd: IATA Lithium Battery Mark

Dear Sir,

After sending my e-mail below, I received a telephone call from Eugenio (DOT Help Line) mentioning that I should contact ICAO for their interpretation.

Eugenio mentioned the DOT's similar requirement in 49 CFR 173.185 (c) (3), Exceptions for smaller cells or batteries, which states:

"Each package must display the lithium battery mark except, 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".

Based on the DOT similar lithium battery marking requirement, I will appreciate your interpretation of this DOT rule for the shipment scenario in my earlier e-mail request, i.e., shipment consists of 10 identical boxes containing one lithium ion battery installed in equipment (UN 3481) per box and is shipped excepted per the DOT 173.185 requirements.

Thank you,

Richard J. Lloyd

31 Bastian Lane

Allentown, PA 18104

Telephone: 610-398-3954

E-mail: dickchar@rcn.com

From: dickchar@rcn.com
To: "Info Center DOT" <infocntr@dot.gov>
Sent: Tuesday, July 3, 2018 12:32:23 PM
Subject: IATA Lithium Battery Mark

Dear Sir:

Please clarify a package marking requirement in IATA Packing Instruction 967 for shipments of lithium ion batteries contained in equipment (UN 3481). For this clarification, the lithium ion batteries contained in the equipment will meet the requirements for shipment under Section II of this packing instruction, i.e., the watt hour rating of the batteries is not more than 100 Wh, etc.

The packing instruction requires each package to be durable and legibly marked with the lithium battery mark except the marking requirement does not apply to "consignments of two packages or less where each package contains no more than four cells or two batteries installed in equipment".

It is my understand that the application of the lithium battery mark on the outer box refers to the number of batteries in each package in the consignment and not the number of packages in the shipment. In other words, if a shipment consists of 10 identical boxes containing one lithium ion battery installed in equipment (UN 3481) per box and is shipped under Section II, each box does not need to be marked with the lithium battery mark since there is only one lithium ion battery installed in equipment in each box even though the shipment consists of 10 boxes.

I will appreciate your clarification that the boxes do not require the lithium battery mark when "each package contains no more than four cells or two batteries installed in equipment".

Thank you,

Richard J. Lloyd

31 Bastian Lane

Allentown, PA 18104

Telephone: 610-398-3954

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