



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 15 2019

Tony Bacon
Hunter Fan Company
7130 Goodlett Farms Parkway
Suite 400
Memphis, TN 38016

Reference No. 19-0013

Dear Mr. Bacon:

This letter is in response to your February 04, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to lithium cells and batteries. In your email, you state the Hunter Fan company provides residential ceiling fans with a remote control and one lithium button cell battery (not installed in the remote control) in the same packaging. The packages are stacked together on a single pallet, and you ask questions regarding the marking and labeling requirements for these packages.

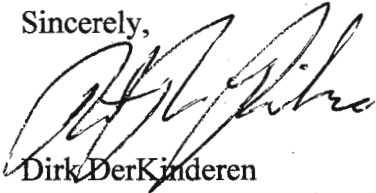
We have paraphrased and answered your questions as follows:

- Q1. Regarding § 173.185(c)(3)(i), you ask whether the lithium battery mark must be affixed to a particular side of the package.
- A1. The answer is no. Bear in mind lithium button cell batteries are not subject to the lithium battery marking when installed in equipment (i.e., installed in the remote control).
- Q2. You ask if § 173.185(c)(3)(i) does not specify a particular side for the placement of the lithium battery marking, would § 172.406(a)(1)(i) be applicable to the packages.
- A2. The answer is no.
- Q3. You ask whether the location of the mark on the package shown in the photograph you provided is acceptable.

A3. The answer is yes. Although you are not subject to the hazard communication requirements of part 172 of the HMR, you are subject to the overpack requirements with regard to palletizing the packages in § 173.25(a).

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk DerKinderen", written in a cursive style.

Dirk DerKinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Dodd, Alice (PHMSA)

Bacon
12-0013

From: INFOCNTR (PHMSA)
Sent: Tuesday, February 05, 2019 2:42 PM
To: Hazmat Interps
Subject: FW: PHMSA - Request for Interpretation on 49 CFR173.185(c)(3)(i)
Attachments: 52175-01 46in Leander CAN r012819 Reference.pdf; IMG_5323.jpg; IMG_5325.jpg

Hello Alice and Ikeya,

Please see the attached documents and the information below.

Thanks,

Lynsie Patschke

Transportation Regulatory Specialist
Hazardous Materials Information Center (HMIC)

From: Bacon, Tony [mailto:tbacon@hunterfan.com]
Sent: Monday, February 04, 2019 10:12 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: PHMSA - Request for Interpretation on 49 CFR173.185(c)(3)(i)

Hunter respectfully requests a written response to the questions below.

Product Background: Hunter branded residential ceiling fan with remote control. The fan and remote control are in the same packaging along with one button cell battery for the remote. The battery is not installed in the remote control. The battery is a CR2032 3V lithium button cell battery. When transported from the factory outside the US, along with transportation in the US, multiple ceiling fan packages are stacked together on a single pallet. Please see the attached image of a standard Hunter ceiling fan package and the image of the remote with button cell battery.

Question 1:

Hunter Fan Company is requesting an interpretation of 49 CFR 173.185(c)(3)(i). This section of the regulation indicates the lithium battery mark must be affixed "on one side" of the package without the mark being folded. The regulation does not indicate left, right, front, back, top, or bottom. Please confirm whether the regulation requires the label be affixed to a particular side.

Question 2:

If 49 CFR 173.185(c)(3)(i) doesn't specify a particular side of the ceiling fan packaging, is 49 172.406(a)(1)(i) applicable to this Hunter product? That section indicates the bottom cannot contain a label. It is unclear to Hunter whether 49 172.406(a)(1)(i) is applicable.

Question 3:

I attached an image of the proposed packaging for the Hunter Leander ceiling fan model. The location of the lithium battery mark is shown on a side panel of the packaging. Is this location acceptable? The ceiling fan packaging already contains others requirements (e.g. FTC label) in addition to basic product information that is needed to aid potential consumers when reviewing the Hunter product on a store shelf in a big box store. In other words, there are not options for placing the lithium battery mark on a side by itself.

Thank you,

Tony Bacon
Hunter Fan Company
7130 Goodlett Farms Pkwy, STE 400
Memphis, TN 38016
Phone: 901-248-2619
Email: tbacon@hunterfan.com

Tony Bacon | General Counsel | Hunter Fan Company
p. 901-248-2619 | tbacon@hunterfan.com | www.hunterfan.com

From: Bacon, Tony
Sent: Monday, December 24, 2018 1:19 PM
To: infocntr@dot.gov
Subject: PHMSA - Request for Interpretation on 49 CFR173.185(c)(3)(i)

Hello,

Hunter Fan Company is requesting an interpretation of 49 CFR 173.185(c)(3)(i). This section of the regulation indicates that the lithium battery mark must be affixed "on one side" of the package without the mark being folded.

Hunter's understanding from speaking to PHMSA employees via the 202-366-4488 phone number is that "one side" of the package means any side. In other words, the regulation does not indicate left, right, front, back, top, or bottom. Please confirm whether the regulation requires the label be affixed to a particular side.

Thank you.

Tony Bacon

Tony Bacon | General Counsel | Hunter Fan Company
p. 901-248-2619 | tbacon@hunterfan.com | www.hunterfan.com



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STANDARD DIMENSIONS

- A - 18.25 in
- B - 18.25 in
- C - 18.25 in
- D - 18.25 in



Standard dimensions are for a standard installation. For a custom installation, please contact your local distributor for more information.

WARNING: RISK OF FIRE, ELECTRICAL SHOCK, OR PERSONAL INJURY. Must be installed by a qualified electrician. Do not attempt to install or repair this fan unless you are a qualified electrician. For the support of lighting fixtures are not acceptable for fan support and may result in fire or electric shock. Consult a qualified electrician if in doubt.

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Estimated Yearly Energy Cost	3,425
1st Year Energy Cost	\$12

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LEAD-ACID BATTERY INCLUDED

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Amped Club (4800 RPM)

MODEL # 52175
00000000

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DESIGNER SERIES

46 IN. LEANDER

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- 3-Speed Dipswitch
- Handheld Remote Control
- LED Lighting
- Amper Club (4800 RPM)
- Removable Blades
- 3-Month Limited Warranty

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For more information, visit 1.800.225.1000

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