



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 5, 2020

Eva Glimsche  
Lithium-Batterie-Service GbR  
Sperberstr. 50e  
81827 München  
Germany

Reference No. 19-0137

Dear Ms. Glimsche:

This letter is in response to your December 18, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging requirements for lithium batteries. Specifically, you ask whether lithium batteries packaged in accordance with § 173.185(b)(5) are excepted from the inner packaging requirements specified in § 173.185(b)(3)(i).

The answer is yes. Section 173.185(b)(5) provides exceptions for lithium batteries that weigh 12 kg (26.5 pounds) or more and have a strong impact-resistant outer casing and are otherwise packaged to prevent short circuits and damage as required by § 173.185(b)(2). This provision allows certain lithium batteries to be packed in strong outer packagings, in protective enclosures, or on pallets or other handling devices. Therefore, lithium batteries packaged in accordance with § 173.185(b)(5) do not require inner packaging, only the strong impact-resistant outer casing that is part of the battery. The inner packagings described in § 173.185(b)(3)(i) are part of a configuration of a packaging that would accompany the outer packagings described in § 173.185(b)(3)(ii). When § 173.185(b)(5) states that lithium batteries may be packaged in configurations other than those specified in § 173.185(b)(3)(ii) and (b)(3)(iii), that also includes the requirement that the batteries be packaged with the inner packagings in paragraph (b)(3)(i).

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".

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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Hazmat Interps](#)  
**Subject:** FW: Inner packagings required for large batteries described in 173.185 (b) (5)  
**Date:** Wednesday, December 18, 2019 2:38:20 PM  
**Attachments:** [Glimshe 2 LOI.docx](#)

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Hello Alice and Ikeya,  
Please see below for letter of interpretation request.  
Please contact our office with any questions.  
Thanks,  
Kathryn, HMIC

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**From:** Eva Glimsche [mailto:[eva.glimsche@lithium-batterie-service.de](mailto:eva.glimsche@lithium-batterie-service.de)]  
**Sent:** Wednesday, December 18, 2019 11:43 AM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** Inner packagings required for large batteries described in 173.185 (b) (5)

Dear PHMSA Team,

I would like to request an interpretation as per **49 CFR 105.20 in writing** on the following question:

In 173.185 (b) (5) it reads that  
Lithium batteries that weigh 12 kg (26.5 pounds) or more and have a strong, impact-resistant outer casing and assemblies of such batteries, may be packed

- in strong outer packagings;
- in protective enclosures (for example, in fully enclosed or wooden slatted crates); or
- on pallets or other handling devices,

instead of packages meeting the UN performance packaging requirements in paragraphs (b)(3)(ii) and (b)(3)(iii) of this section.

Batteries or battery assemblies must be secured to prevent inadvertent movement, and the terminals may not support the weight of other superimposed elements. Batteries or battery assemblies packaged in accordance with this paragraph are not permitted for transportation by passenger-carrying aircraft and may be transported by cargo aircraft only if approved by the Associate Administrator.

Since there is no mention of paragraph (b)(3)(i) does that mean that e.g. large HV automobile batteries need to be placed in an inner packaging as described in (b)(3)(i)?

Best regards

Eva

Eva Glimsche  
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