



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 6, 2021

George Cole
Logistics Manager
Zoll Medical Corporation
500 Burdick Parkway
Deerfield, WI 53531

Reference No. 20-0068

Dear Mr. Cole:

This letter is in response to your August 25, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the International Maritime Dangerous Goods (IMDG) Code applicable to the availability of test summaries for lithium cells and batteries. Specifically, you ask whether the practice of placing lithium battery test summary documents on your company's website complies with the "make available" requirements in accordance with the HMR, the ICAO Technical Instructions, and the IMDG Code.

In your email, you state that your company's website contains all of the required lithium battery test summary documents, and that those documents are cross-referenced to the replacement lithium batteries for the products that your company sells. Additionally, you provide a link to your company's website to demonstrate that the test summary documents are available. Based on this information, it is the opinion of this Office that provided the lithium battery test summary documents are accessible, your company's practice of placing the lithium battery test summary documents on your public website meets the "make available" requirements of the

HMR, the ICAO Technical Instructions, and the IMDG Code.

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

From: [Kelley, Shane \(PHMSA\)](#)
To: [George Cole](#)
Cc: [Dodd, Alice \(PHMSA\)](#)
Subject: Re: Formal Letter of Interpretation Request
Date: Wednesday, August 26, 2020 4:41:56 PM

Good afternoon Mr. Cole,

Absolutely. Your email to our information center is sufficient and we will initiate our process based on your email.

You should receive an acknowledgment letter in the near future. Thank you so much and we'll be in touch!

Kind regards,

Shane Kelley

From: George Cole <GCole@zoll.com>
Sent: Wednesday, August 26, 2020 4:17:04 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: FW: Formal Letter of Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon sir. Looking for some help. I understand that with COVID-19 that acknowledgements are delayed. Do you need us to send a physical letter to Washington D.C. or will the email below suffice?

From: George Cole
Sent: Tuesday, August 25, 2020 7:07 PM
To: infocntr@dot.gov
Subject: Formal Letter of Interpretation Request

Good Afternoon,

We are requesting a letter of interpretation regarding the manner in which lithium battery Test Summaries (TS) mandated under UN 38.3 can be delivered to various stakeholders in the hazardous materials supply chain.

Our company has a website that has all our test summary reports (TSR) cross-referenced to the AED replacement batteries we sell by part number
<https://www.cardiacscience.com/Safe+Handling+and+Transport+of+the+Intellisense+Battery+for+Powerheart+Automated+External+Defibrillators>

In reading the following document; *New UN Requirement For Lithium Battery Test Summaries.* U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/training/hazmat/71126/us-dot-testsummarybrochure.pdf> we have the following questions;

- 1) As an offeror of hazardous materials (UN 3090) does our website's Test Summary documents meet the requirement of "availability" with regards to the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air and the International Air Transport Association Dangerous Goods Regulations 3.9.2.6.1?
- 2) As an offeror of hazardous materials (UN 3090) does our website's Test Summary documents meet the requirement of "availability" with regards to International Maritime Organization's International Maritime Dangerous Goods Code 2.9.4?

Thank you for your assistance. Please feel free to contact us with any questions.

Respectfully,

George Cole
Logistics Manager
Zoll Medical Corporation
500 Burdick Parkway Deerfield WI 53531 United States
Tel: 608.764.7069 (direct)
gcole@zoll.com
www.zoll.com



An Asahi Kasei Group Company

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.