



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

July 6, 2021

Mr. Steven Spease  
Packaging Compliance Engineer  
EnerSys  
2366 Bernville Rd  
Reading, PA 19605

Reference No. 21-0048

Dear Mr. Spease:

This letter is in response to your May 5, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging requirements for lithium ion batteries shipped for disposal or recycling in accordance with § 173.185(d). Specifically, you describe a large lithium ion battery weighing 12 kg or more with a strong impact resistant outer casing typically transported on a pallet or handling device in accordance with § 173.185(b)(5). You ask whether this battery may be transported on a pallet or handling device without being placed into a strong outer packaging when it is moved for recycling or disposal in accordance with § 173.185(d).

The answer is yes. Large lithium batteries weighing 12 kg or more—with a strong impact resistant outer casing—may be packaged in accordance with the instructions in § 173.185(b)(5) when transported for recycling or disposal in accordance with § 173.185(d). The provisions in paragraph (d) provide an exception for lithium batteries shipped for disposal or recycling from testing and record keeping requirements of paragraph § 173.185(a) and the UN performance packaging requirements when transported by highway.

This provision would not preclude the use of alternative packagings under the conditions described in § 173.185(b)(5).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)  
**Subject:** FW: LETTER OF INTERPRETATION REQUEST-PACKAGING LITHIUM ION BATTERIES FOR DISPOSAL OR RECYCLE  
**Date:** Wednesday, May 5, 2021 2:13:03 PM

---

Good afternoon Alice,

Please see the request for an official letter of interpretation below. The physical mailing address is located below in bold.

Please contact our office with any questions.

Thank you,

Sarah (HMIC)

---

**From:** Spease, Steven [mailto:Steven.Spease@enersys.com]  
**Sent:** Wednesday, May 5, 2021 2:10 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** RE: LETTER OF INTERPRETATION REQUEST-PACKAGING LITHIUM ION BATTERIES FOR DISPOSAL OR RECYCLE

**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.

Steven Spease

**2366 Bernville Rd**  
**Reading PA 19605**

610-208-1743

Thank you,  
*Steve Spease*  
*EnerSys*  
*Packaging Compliance Engineer*  
*610-208-1743*

---

**From:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Sent:** Wednesday, May 5, 2021 2:07 PM  
**To:** Spease, Steven <[Steven.Spease@enersys.com](mailto:Steven.Spease@enersys.com)>  
**Subject:** RE: LETTER OF INTERPRETATION REQUEST-PACKAGING LITHIUM ION BATTERIES FOR DISPOSAL OR RECYCLE

**CAUTION:** This email originated from outside of the Company. Do not click links or open attachments unless you

recognize the sender and know the content is safe.

Dear Steven,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

[https://www.ecfr.gov/cgi-bin/text-idx?SID=1d49a3b137cb1b6fc45251074e634b44&tpl=/ecfrbrowse/Title49/49tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=1d49a3b137cb1b6fc45251074e634b44&tpl=/ecfrbrowse/Title49/49tab_02.tpl)

However, before we can submit your request for processing, please respond to this email with:

- Full Name
- Physical Mailing Address
- Telephone Number

Sincerely,

Sarah, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

---

**From:** Spease, Steven [<mailto:Steven.Spease@enersys.com>]

**Sent:** Wednesday, May 5, 2021 10:58 AM

**To:** PHMSA HM InfoCenter <[PHMSAHMInfoCenter@dot.gov](mailto:PHMSAHMInfoCenter@dot.gov)>

**Subject:** LETTER OF INTERPRETATION REQUEST-PACKAGING LITHIUM ION BATTERIES FOR DISPOSAL OR RECYCLE

**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.

Dear Sir or Madam

I am requesting a letter of interpretation on packaging lithium ion batteries being shipped for disposal or recycle.

We are shipping batteries in accordance with 49CFR173.185(b)(5), as our batteries weigh in excess of 12kg, have a strong impact-resistant outer casing, etc. Our initial understanding of 49CFR173.185(d) has been that we would need to use strong outer packaging to ship those same batteries for disposal or recycle. An exchange following the recent EPA/DOT webinar is that we

would still be able to package based on 49CFR173.185(b)(5) while shipping in accordance with 49CFR173.185(d).

Can you confirm that palletizing batteries that meet the requirements in 49CFR173.185(b)(5) would meet the packaging requirements for shipping batteries for disposal or recycle in 49CFR173.185(d) and that we would not need to place those batteries in strong outer packaging as they already have a strong impact-resistant outer casing?

Thank you,  
*Steve Spease*  
*EnerSys*  
*Packaging Compliance Engineer*  
*610-208-1743*

This email and any attachments may contain confidential information that is intended only for the recipient(s). If you have received this email in error, please notify the sender and delete it from your system. Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company or its affiliates. This email does not constitute an agreement to conduct transactions by electronic means and does not create any legally binding contract or enforceable obligation in the absence of a fully signed written contract. The recipient should check this email and any attachments for viruses. The company accepts no liability for any loss or damage caused by software viruses. If you are the intended recipient and you do not wish to receive similar email(s) from us in the future then please notify the sender. Please consider the environment before printing.

This email and any attachments may contain confidential information that is intended only for the recipient(s). If you have received this email in error, please notify the sender and delete it from your system. Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company or its affiliates. This email does not constitute an agreement to conduct transactions by electronic means and does not create any legally binding contract or enforceable obligation in the absence of a fully signed written contract. The recipient should check this email and any attachments for viruses. The company accepts no liability for any loss or damage caused by software viruses. If you are the intended recipient and you do not wish to receive similar email(s) from us in the future then please notify the sender. Please consider the environment before printing.