



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

July 29, 2021

Ms. Marianna Patterson  
Manager, Amazon Public Policy  
Amazon  
601 New Jersey Avenue, NW  
Washington, DC 20001

Reference No. 21-0052

Dear Ms. Patterson:

This letter is in response to your May 12, 2021, email and previous phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging of lithium batteries. Specifically, you ask whether a flexible overpack can be used to transport smaller lithium cells or batteries contained in equipment, which are packaged in retail packaging. Furthermore, you indicate the retail packaging is sturdy, durable, constructed to retain the contents under normal conditions of transportation, and meets the outer packaging requirements of § 173.185.

The answer is yes. The HMR defines an overpack (see § 171.8)—except as provided in subpart K of part 178—as “an enclosure that is used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages.” Therefore, if the retail packaging meets the outer packaging requirements for smaller lithium cells or batteries contained in equipment (i.e., packaging requirements of the HMR including §§ 173.24, 173.24a, and 173.185), the flexible packaging would meet the definition of an overpack.

See § 173.25 for additional overpack requirements.

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: Amazon Interpretation Letter Request  
**Date:** Wednesday, May 12, 2021 9:30:47 AM

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Good morning Alice,

Please see the request for a letter of interpretation below Shelby's email to us. Shelby said she has been working with Marianna, and that it will need to be a formal letter of interpretation. Please contact us with any questions.

Thank you,

Sarah (HMIC)

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**From:** Geller, Shelby (PHMSA)  
**Sent:** Wednesday, May 12, 2021 9:21 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** RE: Amazon Interpretation Letter Request

Hi HMIC,

Although not clear, please log the email Marianna just sent as an interp. We have been working with her and I know this is what she wants.

Thanks,

## Shelby Geller

Regulatory Transportation Specialist, OHMS Standards & Rulemaking

USDOT, PHMSA  
1200 New Jersey Ave SE, Washington, DC 20590  
Office: 202-366-3658

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**From:** Patterson, Marianna [<mailto:pattema@amazon.com>]  
**Sent:** Wednesday, May 12, 2021 9:15 AM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Cc:** Geller, Shelby (PHMSA) <[shelby.geller@dot.gov](mailto:shelby.geller@dot.gov)>; Kelley, Shane (PHMSA) <[shane.kelley@dot.gov](mailto:shane.kelley@dot.gov)>; Miller, Kaleigh <[kalmil@amazon.com](mailto:kalmil@amazon.com)>; Henisse, Mike <[mhenisse@amazon.com](mailto:mhenisse@amazon.com)>  
**Subject:** Amazon Interpretation Letter 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 Morning,

Please confirm the following per our phone conversation: considering that retail packaging is sturdy, durable, and constructed to retain the contents under normal conditions of transportation, an additional over-wrap (i.e. poly bag, padded mailer, jiffy, etc.) is compliant with US DOT regulations.

Thanks

-Marianna

**Marianna Patterson**

Manager, Amazon Public Policy

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