



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 26, 2022

Mr. Daniel Stoehr
Daniels Training Services Inc.
PO Box 1232
Freeport, IL 61032

Reference No. 22-0006

Dear Mr. Stoehr:

This letter is in response to your January 22, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to damaged wet electric storage batteries. Specifically, you ask whether § 173.159(k)(1)(iii) requires that offerors using salvage packaging to transport damaged wet batteries must follow the entirety of § 173.3(c) or only the packaging provisions specified in § 173.3(c).

Section 173.159(k) requires damaged batteries incapable of retaining battery fluid inside the outer casing during transportation by highway or rail to be prepared under one or more of the conditions specified in § 173.159(k)(1). Section § 173.159(k)(1)(iii) requires an offeror to “pack the battery in a salvage packaging in accordance with the provisions of § 173.3(c).” Therefore, when utilizing this option, all of the provisions of § 173.3(c) must be met.

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: Request Letter of Interpretation - Hazard Communication When Packing a Damaged Wet Electric Storage Battery in a Salvage Packaging
Date: Friday, January 28, 2022 2:27:04 PM

Hello Hazmat Interps,

Below is a request for letter of interpretation. Also here is the physical mailing address from previous LOI requests:

PO Box 1232
Freeport, IL 61032-1232

Thanks,

Jonathon, HMIC

From: Daniel Stoehr <info@danielstraining.com>
Sent: Saturday, January 22, 2022 10:50 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request Letter of Interpretation - Hazard Communication When Packing a Damaged Wet Electric Storage Battery in a Salvage Packaging

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I request a letter of interpretation on the following:

- 49 CFR 173.159 contains the packing instructions for Batteries, wet
- §173.159(e) contains the requirements for transport of these batteries subject to an exception. If the conditions of the exception are met, the batteries are not subject to any other requirements of the Hazardous Materials Regulations; this of course includes all hazard communication.
- §173.159(k) contains packing instructions for damaged wet electric storage batteries.
- §173.159(k)(1)(iii) includes an option to pack the damaged battery in a salvage packaging in accordance with the provisions of §173.3(c).
- §173.159(k)(2) indicates damaged wet electric storage batteries shipped in accordance with this paragraph (§173.159(k)) are eligible for the exception under §173.159(e). This means damaged wet electric storage batteries meeting the conditions of both §173.159(e) and §173.159(k) are not subject to any other requirements of the Hazardous Materials Regulations, including hazard communication.
- However, §173.3(c)(3-5) mandate specific hazard communication (marks, labels, and shipping paper) for hazardous materials in a salvage packaging.
- It appears to me complying with §173.3(c) as directed by the packaging option at §173.159(k)(1)(iii) - and thereby requiring hazard communication - negates the intent of the exceptions at

§173.159(e) and §173.159(k).

I believe §173.159(k)(1)(iii) intends to refer solely to the packaging requirements for a salvage packaging at §173.3(c) and not those related to hazard communication.

Thank you and please advise.

Daniel Stoehr

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