



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

1200 New Jersey Avenue, SE
Washington, DC 20590

October 20, 2022

Chris Carthel
Consolidated Nuclear Security
Pantex Plant
P.O. Box 30020
Amarillo, TX 79120-0020

Reference No. 22-0007

Dear Mr. Carthel:

This letter is in response to your January 27, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to lithium cells and batteries. In your email, you ask about the testing requirements specified in § 173.185(a) and the shipper's responsibility for verifying—prior to shipment—that lithium cells and batteries offered for transportation meet the criteria in part III, subsection 38.3 of the United Nations (UN) Manual of Tests and Criteria. Specifically, you ask whether a general statement in a safety data sheet, website, email, or other document provided by the manufacturer that the lithium batteries meet the test criteria would satisfy the requirements of § 173.185(a)(2) or must a shipper obtain and review the test summary document itself.

In accordance with § 173.185(a)(1), each lithium cell or battery must be of a type proven to meet the criteria in part III, subsection 38.3 of the UN Manual of Tests and Criteria. Each manufacturer and subsequent distributor of lithium cells or batteries manufactured on or after January 1, 2008, must make available a test summary. *See* § 173.185(a)(3). The test summary includes a standardized set of elements that provide traceability and accountability, thereby ensuring that lithium cell and battery designs offered for transport contain specific information on the required UN tests. Additionally, it is the responsibility of the shipper to ensure the cell or battery is of a tested type.

A shipper could rely on information provided by the battery or product manufacturer as evidence that the cell or battery meets the required tests, but this would not meet the requirement for a manufacturer or distributor to make available a test summary as required in § 173.185(a)(2).

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 written in a cursive style with a long, sweeping underline.

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

Andrews

22-0007

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: [External] RE: Request for Interpretation - Lithium Battery Test Summaries
Date: Thursday, February 3, 2022 3:42:50 PM
Attachments: [image001.png](#)

Hi Alice,

Please see the below interpretation request.

Should you have any questions, please do not hesitate to reach out.

Regards,

-Breanna

From: Carthel, Chris <Chris.Carthel@pxy12.doe.gov>
Sent: Wednesday, February 2, 2022 9:32 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: [External] RE: Request for Interpretation - Lithium Battery Test Summaries

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.

Hello Breanna:

Below is the information you requested:

Mailing Address:

Pantex Plant
Attn: Chris Carthel
P.O. Box 30020
Amarillo, TX 79120-0020

Physical Address:

Pantex Plant
Attn: Chris Carthel
US Highway 60 & FM2373
Panhandle, TX 79068



Chris Carthel

Transportation Advisor
Contractor to the Department of Energy
Chris.Carthel@pxy12.doe.gov
(806) 573-5703 **Office**

From: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Sent: Tuesday, February 1, 2022 10:58 AM
To: Carthel, Chris <Chris.Carthel@pxy12.doe.gov>
Subject: [External] RE: Request for Interpretation - Lithium Battery Test Summaries

Dear Chris,

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:

- Physical Mailing Address

Sincerely,

Breanna, 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: Carthel, Chris <Chris.Carthel@pxy12.doe.gov>
Sent: Thursday, January 27, 2022 10:36 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Interpretation - Lithium Battery Test Summaries

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Hello:

Based on [PHMSA Docket HM-2150](#) [codified at [49 CFR 173.185\(a\)](#)] and DOT's [Lithium Battery Guide for Shippers](#), it appears DOT holds shippers responsible for verifying—prior to shipment—that

lithium cells and batteries offered for transportation have passed the design tests found in the UN *Manual of Tests and Criteria*, Section 38.3, as reflected in the manufacturer's lithium battery test summary.

When a lithium battery manufacturer provides a general statement in a safety data sheet, website, email, or other document which certifies their batteries have passed the relevant tests in UN 38.3, is this sufficient evidence upon which a shipper may rely to proceed with shipping , or must the shipper obtain and review the test summary itself?

Please advise. Thank you.

Respectfully,



Chris Carthel

Transportation Advisor

Contractor to the Department of Energy

Chris.Carthel@pxy12.doe.gov

(806) 573-5703 **Office**