



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

1200 New Jersey Avenue, SE
Washington, DC 20590

August 17, 2023

Dennis Raymund V. Franco
Manager DG (HAZMAT) Compliance, International Affair & Compliance
DHL Global Forwarding (RADIX International)
22879 Glenn Drive, Suite 100
Sterling, VA 20164

Reference No. 23-0040

Dear Mr. Franco:

This letter is in response to your April 17, 2023, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to lithium cells and batteries. Specifically, you seek clarification on the required lithium battery test summaries as prescribed in § 173.185(a)(3).

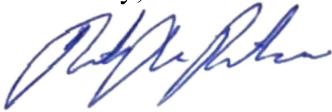
We have paraphrased and answered your questions as follows:

- Q1. You ask whether the lithium battery test summary expires or otherwise must be renewed at intervals such as annually.
- A1. The answer is no. Lithium cells and batteries manufactured according to a type meeting the requirements of part III, sub-section 38.3 of the UN Manual of Tests and Criteria, Revision 3, Amendment 1, or any subsequent revision and amendment applicable at the date of the type testing, may continue to be transported, unless otherwise provided in the HMR. The information in a lithium battery test summary linked to a specific cell/battery/device remains valid indefinitely unless otherwise specified.
- Q2. If there is no alteration to the lithium battery itself, you ask what date each UN 38.3 lithium battery test summary remains valid.

A2. See answer A1. New or revised lithium battery test summary information would be required only if the cell/battery/device is of a different design that necessitated re-testing. In that instance, a new lithium battery test summary would need to be generated.

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 prominent initial "D".

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

From: [Leary, Kevin \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hillman, Kenetha CTR \(PHMSA\)](#)
Cc: [Pfund, Duane \(PHMSA\)](#); [Kelley, Shane \(PHMSA\)](#)
Subject: FW: UN 38.3 Test Summary Report Validity
Date: Monday, April 17, 2023 2:24:09 PM
Attachments: [image002.png](#)

Alice would you mind logging this request for an interp? I spoke on the phone with this individual and while he understand the requirements he is specifically requesting an interp letter for reference.

I can provide additional information as necessary to assist the whomever is assigned this letter.

Thank you,
Kevin

From: Dennis Raymund (DHL US) <dennis.franco@dhl.com>
Sent: Monday, April 17, 2023 1:08 PM
To: Leary, Kevin (PHMSA) <Kevin.Leary@dot.gov>
Cc: Baker, Yul (PHMSA) <yul.baker@dot.gov>; Pfund, Duane (PHMSA) <Duane.Pfund@dot.gov>
Subject: RE: UN 38.3 Test Summary Report Validity

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 Kevin,
I have this site, but it only talks about the availability of the UN 38.3 Test Summary Report when requested.

My Question is:

1. Once the UN 38.3 is available, does the UN 38.3 Test Summary Report requires to be renew on annual basis? When it will expired?
2. Until when is the [validate date](#) of each UN 38.3 Test Summary Report, if there is no alternation from the battery itself?

Thanks & best Regards,

Dennis Raymund V. Franco

Manager DG (HAZMAT) Compliance, International Affair & Compliance
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From: Leary, Kevin (PHMSA) <Kevin.Leary@dot.gov>
Sent: Monday, April 17, 2023 12:57 PM
To: Dennis Raymund (DHL US) <dennis.franco@dhl.com>
Cc: Baker, Yul (PHMSA) <yul.baker@dot.gov>; Pfund, Duane (PHMSA) <Duane.Pfund@dot.gov>
Subject: RE: UN 38.3 Test Summary Report Validity

Mr. Franco, please see responses to your questions below. Also please consult our publication on Lithium Battery Test summaries designed for additional information to assist in understanding and implementing the lithium battery test summary requirement effective January 1, 2022.

<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-01/Test%20Summary%20Brochure%20web.pdf>

Thank you and please reach out if we can be of further assistance.

Kevin Leary

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From: Dennis Raymund (DHL US) <dennis.franco@dhl.com>
Sent: Friday, April 14, 2023 7:55 AM
To: Pfund, Duane (PHMSA) <Duane.Pfund@dot.gov>; Baker, Yul (PHMSA) <yul.baker@dot.gov>;
Dodd, Alice (PHMSA) <Alice.Dodd@dot.gov>
Subject: UN 38.3 Test Summary Report Validity

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Good morning All,

Need you help in locating in the 49 CFR the Validity date of the UN 38.3 Test Summary Report.

- [Is there an expiry date after it was tested?](#)

Cells and batteries manufactured according to a type meeting the requirements of sub-section

38.3 of the UN Manual of Tests and Criteria, Revision 3, Amendment 1 or any subsequent revision and amendment applicable at the date of the type testing may continue to be transported, unless otherwise provided in this subchapter. (see [49 CFR 173.185\(a\)\(1\)\(i\)](#))

- [How long will it stay valid?](#) The information in the test summary linked to a specific cell/battery/device remains valid indefinitely unless otherwise specified.
- [Does this certificates have to be renewed every year to be valid for the next year?](#) No. New or revised test summary information would only be required if the cell or battery is of a different design that necessitated re-testing. In that case new test summary information should be generated.

The Title 49 § 173.185 Lithium cells and batteries states that must be of the type proven to meet the criteria in part III, sub-section 38.3 of the UN Manual of Tests and Criteria.

Please see attached sample that was tested at [15 October 2019](#) and documentation was generated on [01 December 2022](#).

Please advice

Thanks and Best Regards

Dennis Raymund V. Franco

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From: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Sent: Tuesday, August 30, 2022 2:40 PM
To: Dennis Raymund (DHL US) <dennis.franco@dhl.com>
Subject: RE: LITHIUM BATTERY IN COMPLIANCE IN SECTION II

Dennis,

If a freight forwarder is consolidating lithium cells and batteries with non-hazardous materials this would be acceptable provided:

1. The lithium cells and batteries are not prohibited from being transported aboard a passenger aircraft.

2. The lithium cells and batteries, when packed together in an overpack, would not cause a dangerous evolution of heat, or flammable or poisonous gases or vapors, or to produce corrosive materials aboard the aircraft (see § 173.21(e)).

I hope this answers your questions and if you need anything else, please let me know.

Thank you,

Mr. Yul Brenner Baker Jr.

Transportation Regulations Specialist, Standards Development

USDOT, PHMSA
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave, SE, Washington, DC, 20590
Office number: 202-493-0867

From: Dennis Raymund (DHL US) <dennis.franco@dhl.com>
Sent: Tuesday, August 30, 2022 12:51 PM
To: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Subject: RE: LITHIUM BATTERY IN COMPLIANCE IN SECTION II

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.

Hi Yul,

The 2nd Question is about Lithium Cells/Batteries under Section II Requirement (No DGD) in Consolidation with General cargo (*non-Dangerous Good*).

- This consolidation shipment will be moving on a passenger aircraft
- Also, there will be a consolidation of with Gen. CGO (non-DG) with Regulated Cells/batteries. These cells/batteries is Transported with a shipper Declaration for Dangerous Goods (DGD).

1. Are freight Forwarder allow to do this Consolidation?
2. Can you please provide where in the Regulations stating that we can perform this functions of consolidating shipment of cells/batteries with a general cargo (non-DG)

Thanks for your guidance and support.

Best Regards,

Dennis Raymund V. Franco

Manager DG Compliance
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From: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Sent: Tuesday, August 30, 2022 12:30 PM
To: Dennis Raymund (DHL US) <dennis.franco@dhl.com>
Subject: RE: LITHIUM BATTERY IN COMPLIANCE IN SECTION II

Good Afternoon Dennis,

I apologize for the delay in responding,

To answer your first question, lithium cells and batteries are not permitted to be loaded in unit load devices per the regulations (see § 173.185(c)(4)(v)).

As it pertains to your second question, can you please clarify "general cargo." Are you asking if lithium cells and batteries can be transported by cargo only aircraft?

Thank you,

Mr. Yul Brenner Baker Jr.

Transportation Regulations Specialist, Standards Development

USDOT, PHMSA
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave, SE, Washington, DC, 20590
Office number: 202-493-0867

From: Dennis Raymund (DHL US) <dennis.franco@dhl.com>
Sent: Thursday, August 25, 2022 5:08 PM
To: Dodd, Alice (PHMSA) <Alice.Dodd@dot.gov>
Cc: Baker, Yul (PHMSA) <yul.baker@dot.gov>; DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>; INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: LITHIUM BATTERY IN COMPLIANCE IN SECTION II

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Dear Alice,

Need your help in locating the specific provision in USDOT 49 CFR 173.185 on Lithium Battery and cell on the following issue:

1. Are Freight Forwarder allow to load a lithium battery/cell in an airline borrowed Unit Load Device (ULD).
2. Can a Freight Forwarder consolidate battery with general cargo?

There was a previous video that produced by PHMSA on the Awareness of the transport of lithium battery. ([Lithium Battery Guidance for Cargo and Ramp personnel.](#)) that restrict us in loading such item in a ULD and as well Consolidation with general cargo.

Regards,

Dennis Raymund V. Franco

Manager DG Compliance

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