



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

JAN 29 1998

Ms. Barb Germano  
Myers Industries  
1293 S. Main Street  
Akron, OH 44301

Dear Ms. Germano:

This is in response to your letter and telephone conversation with Helen Engrum of my staff concerning requirements for shipping a battery charger under the Hazardous Materials Regulation (HMR; 49 CFR Parts 171-180). I apologize for the delay in responding and hope it has not caused any inconvenience.

A battery charger device containing a battery described as "Batteries, wet, filled with acid, 8, UN 2794, PG III" is subject to the requirements specified in 49 CFR 173.159. The packaging must be marked "Batteries, wet filled with acid, UN 2794," a CORROSIVE label must be applied, and a shipping paper and emergency response information must be provided. However, you may not be subject to the requirements of the HMR if you ship your battery charger under the provisions in § 173.159(e).

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards

MYERS INDUSTRIES  
1293 S MAIN ST  
AKRON, OH 44301

Engrum  
File: 173.159  
SC: 127, 250

## FAX COVER SHEET

DATE: NOV 5, 1996  
TO: D.O.T. PHONE: 800-467-4922  
FAX: 202-366-8700  
FROM: BARB GERMANO PHONE: 330-253-5592 x7093  
MYERS IND. FAX: ~~330-253-6568~~  
RE: Batteries, UN 2794 330 761-6156

Number of pages including cover sheet: 1

### Message

We are a distributor of tire repair materials and under car maintenance products. One of our products is a type of battery charger called a Jump Starter.

When we received the product from our vendor, the carton had a Corrsive label on it but no Proper Shipping Name and no UN number.

I called the company to question them about the lack of Hazardous information on the carton (especially since the bill of lading showed the shipment as containing: LEAD ACID BATTERY, WET, FILLED WITH ACID, 8, UN 2794, PG III). The person I spoke to said that this information is not required on batteries. She said that the Corrosive label is all that is needed.

This is not a sealed battery. The carton has a warning on it concerning the possibility of spilling the acid.

I asked the vendor for an MSDS which they are mailing today.

I have been shipping Hazardous Materials for almost 15 years and am fairly familiar with the regulations for the products we ship. However, this is a new product and I don't want to make a mistake.

Would you please give me a call or fax an answer to me. Thank you. Barb Germano