



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAY 23 2006

Mr. John Ramsey
15170 Tomahawk
Yukon, OK 73099

Reference No.: 06-0031

Dear Mr. Ramsey:

This is in response to your February 6, 2006 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-180). Specifically, you ask if a person may use the exception in § 173.159(e) for damaged electric storage batteries placed within a compatible leakproof container.

Damaged wet electric storage batteries are not eligible for the exception in § 173.159(e) if the damage has rendered them incapable of retaining battery fluid inside the outer casing during transportation. However, a damaged battery may be shipped under the exception § 173.159(e) if: (1) it has been drained of battery fluid to eliminate the potential for leakage during transportation; (2) it is repaired and/or packaged in such a manner that leakage of battery fluid is not likely to occur under conditions normally incident to transportation; or, (3) the damaged or leaking battery is transported under the provisions of § 173.3(c). Battery fluid that has leaked from the battery, or that has been drained from the battery prior to transportation must be classed, packaged and described as appropriate for the liquid, and may not be transported in the same transport vehicle as batteries shipped under the exception in § 173.159(e).

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060031

173.159(e)

INFOCNTR <PHMSA>

From: lbmac@peoplepc.com
Sent: Monday, February 06, 2006 4:12 PM
To: INFOCNTR <PHMSA>
Subject: Batteries

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Batteries
06-0031

I called the information center and spoke to, I believe it was Jessica, and asked a question. The question dealt with the battery exception in 173.159(e). I asked if a person found a leaking battery could they put the battery in a leak proof container such as a plastic box and ship it under 173.159(e). (All other requirements of 173.159(e) would be met) I was told that it would not be a violation to ship a leaking battery as described above. I later called John Gail and asked if the information I got was correct. He confirmed that there would be no violation to ship a leaking battery in a compatible, leak proof container. The person I was getting the clarification for wanted it confirmed in writing. Would it be possible for your office to confirm the above in writing. Either by e-mail or letter. My e-mail address is ramsey576@peoplepc.com. My phone number is 405-255-0312. My mailing address is John Ramsey, 15170 Tomahawk, Yukon, Ok. 73099
Thanks
John Ramsey

2/7/2006