



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

JUL 2 2008

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Washington, DC 20590

Mr. Daniel Brown
Product Support and Development Specialist
ComSonics, Inc.
1350 Port Republic Road
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Harrisonburg, VA 22801

Ref. No. 08-0147

Dear Mr. Brown:

This is in response to your May 22, 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to lithium batteries. Specifically, you ask whether a secondary lithium battery is considered "small" if its equivalent lithium content (ELC) is less than 8 grams. You ask if there are any ground restrictions for such a battery and whether it is subject to the United Nations (UN) Manual of Tests and Criteria tests T1 through T8.

On August 9, 2007, the Pipeline and Hazardous Materials Administration (PHMSA) amended the HMR to enhance the safe transportation of lithium batteries, including both primary (non-rechargeable) and secondary (rechargeable) lithium batteries (HM-224C & HM-224E; 72 FR 44929). One amendment in this rulemaking was the addition of Special Provision 188 in § 172.102 of the HMR for small lithium cells and batteries. That provision specifies that a "small" lithium-ion battery has an aggregate ELC of not more than 8 grams. Except for hazardous communication requirements specified under this Special Provision, there are no restrictions for the ground transportation of a secondary lithium battery. Effective October 1, 2009, the cell or battery must be of a type proven to meet the requirements of tests T1 through T8 in the UN Manual of Tests and Criteria.

I hope this information is helpful.

Sincerely,

Susan Gorsky,
Regulations Officer
Office of Hazardous Materials Standards



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AIR
08-0147

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Dear John Gale or Arthur Pollack,

I am request an interpretation regarding the HMR ruling 49 CFR parts 171-180 (Lithium Battery transportation). I have read many publications regarding this issue including FR 72 Final rule, HM-224C and E plus several Interpretation letters. In doing so I may have misinterpreted the content or intent of said regulations.

My understanding of said ruling is if a secondary Lithium Ion battery's ELC < 8.0g it is classified as "Small" and there are no restriction for ground transport nor are required to pass UN 3090 testing T1-T8 though appropriate labeling of said shipping containers still apply. Am I correct?

To provide some background information, we have recently been quoted UN testing from our battery pack supplier. Our batteries are comprised of 2 Lithium Ion cells (18650) 2.4Ah each which equates to an ELC =1.44. This "small" classification mentions exceptions throughout the 49 CFR rulings and I wish to have furthered interpretations of said exceptions prior to having to inquire said testing expenditures. Any information or enlightenment would be greatly appreciated.

Sincerely,

Daniel Bowman

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