



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

OCT 21 2013

Carol Brozosky, CHMM, CET
President
PTP Consulting, Inc.
1531 Kings Highway
Swedesboro, NJ 08085

Reference No. 13-0179

Dear Ms. Brozosky:

This is in response to your August 26, 2013 letter concerning how to transport "UN 3091, Lithium batteries, contained in equipment, Class 9, Packing Group (PG) II" by motor vehicle under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you present a transportation scenario and ask if the actions you propose for transporting these batteries are permitted under Special Provision 188 of § 172.102 of the HMR. We paraphrased the scenario and decisions you provided, and the question you posed, and answered it below.

Transportation Scenario

You state the shipper will:

- Transport used desktop and laptop computers and cellular (cell) phones that contain lithium batteries by motor vehicle within the United States from the equipment manufacturer's location to a central location the manufacturer owns and operates.
- Assume each lithium cell and battery contained in these computers and cell phones is a small rechargeable lithium battery that meets the conditions prescribed in paragraphs (b) and (c) of § 172.102, Special Provision 188. For example, lithium metal cells contain less than 1 gram of lithium, lithium ion cells contain less than 1.5 grams of lithium, and lithium batteries contain less than 2 grams of lithium metal or 8 grams of lithium ion metal.
- Assume no primary lithium batteries and no batteries free from their equipment will be included in the shipments.
- Whenever possible, remove lithium batteries from their equipment, tape their electrical connectors to help prevent any potential for generating heat or short circuits, and then secure these batteries within their equipment.
- Surround the computers and cell phones with sufficient cushioning to prevent their movement during normal highway transportation and place them inside a large heavy duty corrugated box (e.g., a Gaylord box).

Proposed Transportation Scenario Decisions

It is your understanding that:

- Each completed package that contains the above-described computers and cell phones is excepted from HMR labels and markings.
- The fiberboard box used to consolidate these devices may be a non-specification packaging.
- Special Provision 188, specifically paragraph (e), that requires these cells or batteries to be separated to prevent short circuits, does not require each computer or piece of equipment that contains a lithium battery to be individually packed.
- Shipping papers are not required for packagings that meet the transportation scenario and decisions you describe.
- Large heavy duty corrugated boxes containing these materials are not subject to a weight limit.
- Persons preparing and offering these materials for transportation are not required to be hazmat trained in conformance with 49 CFR Part 172, Subpart H (Training).

Q1. Have we correctly interpreted how to transport small UN 3091 batteries under the HMR?

A1. The answer is yes. Class 9, UN 3091, Lithium batteries that comply with all applicable provisions in § 172.102, Special Provision 188, are not subject to any other requirements under the HMR.

I hope this satisfies your request.

Sincerely,



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



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Edmonson
3172.102 SP188
3173.185
Lithium Batteries
13-0179

August 26, 2013

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001
infocntr@DOT.gov

Request for a Letter of Interpretation: Shipping Lithium Batteries, Contained in Equipment - by Highway

To Whom it May Concern:

We would like to have clarification with regard to shipping **lithium batteries, contained in equipment, UN3091, Hazard Class 9**. We would like to use Special Provision 188 for "small" batteries, and we believe the following scenario is not subject to any other requirements of the subchapter.

Here is the scenario:

- The Shipper would like to transport "used" desktop computers, lap tops and cellular phones by highway from their manufacturing locations to a central location owned and operated by the same company within the United States.
- The assumption is every cell and battery meets the definition of small under paragraph b and c of this Special Provision 188. (CELL: less than 1 gram for lithium metal, or 1.5 grams for lithium ion. BATTERY: less than 2 grams for lithium metal or 8 grams for lithium ion). These will all be rechargeable lithium batteries, and no primary lithium batteries will be included in these shipments.
- The batteries would remain in the equipment, and there will be no free batteries transported in this same box. In accordance with 49CFR §173.21 all batteries will be taped at their electrical connectors and secured back in equipment to prevent any potential for the generation of heat or short circuiting.
- The electronic equipment would be placed in large heavy duty corrugated boxes (i.e. Gaylord box), and cushioned to prevent movement during normal transportation by highway.

Under this scenario, are we correct in our interpretation that these are non-regulated shipments when shipped by highway?

In other words do you agree that:

- DOT HAZMAT Labels and Markings are not required,

- The large box used to consolidate this shipment is not required to be a UN performance package,
- Special Provision 188 does not require each computer device to be individually packaged (paragraph e),
- DOT certified shipping papers are not required,
- There is no weight limit of the large container,
- Offerors of these shipments do not need to be HAZMAT certified employees.

Please advise us with regard to this interpretation at your earliest convenience. A reply may be sent by email to carol@EHSprogress.com or to the address shown.

Thank-you very much.

Very truly yours,

PTP Consulting, Inc.



Carol Brozosky, CHMM, CET
President