



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

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 13 2016

Mr. Eric Lillyblad
Environmental Specialist
Graco, Inc.
1112 Sibley Street, NE
Minneapolis, MN 55413

Reference No. 15-0191

Dear Mr. Lillyblad:

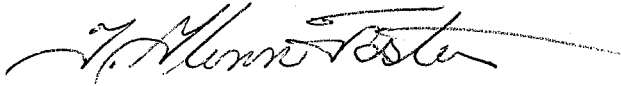
This is in response to your September 17, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of “UN 2794, Batteries, wet, filled with acid, *electric storage*, 8 (corrosive),” and “UN 2795, Batteries, wet, filled with alkali, *electric storage*, 8.” Specifically, you ask for clarification of what is meant by the phrase “may not be packed with other materials except as provided in § 173.159(g) and (h) and §§ 173.220 and 173.222” as it appears in § 173.159(a). We have paraphrased your questions and answered them in the order provided.

- Q1. Does this phrase mean that no other hazardous material can be placed in the same packaging with a wet acid battery except as prescribed in §§ 173.159(g) and (h), and 173.220 and 173.222?
- A1. The answer is yes. Section 173.159(a) prohibits any material, hazardous or non-hazardous, from being placed in the same packaging with an electric storage battery that contains electrolyte acid or alkaline corrosive battery fluid unless the materials are packaged as prescribed in that section. It also requires that any battery or battery powered device must be prepared and packaged for transport in a manner that prevents a dangerous evolution of heat and short circuits.
- Q2. Does this phrase also mean that no other material, even of a non-hazardous nature (e.g., paper instruction manual, pair of gloves, metal wrench, or other “non-hazardous” material) can be in the same packaging with a wet acid battery?

A2. The answer is yes, unless otherwise excepted under the HMR. For example, the HMR excepts electric storage batteries containing electrolyte or corrosive battery fluid from regulation when transported by highway or rail in conformance with § 173.159(e).

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster", with a long horizontal flourish extending to the right.

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

Edmonson
§ 173.159
Batteries
15-0191

Goodall, Shante CTR (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, September 29, 2015 2:51 PM
To: Hazmat Interps
Subject: FW: Request for Formal Letter of Interpretation

Dear Shante and Alice,

I am following up with Mr. Lillyblad's request as I did not see it in the database.

Thanks,
Sheby

From: Geller, Shelby CTR (PHMSA)
Sent: Thursday, September 17, 2015 1:24 PM
To: Hazmat Interps
Subject: FW: Request for Formal Letter of Interpretation

Dear Shante and Alice,

Forwarded is a request for a letter of interpretation. I spoke with Mr. Lillyblad in regards to his inquiry.

Thanks,
Shelby

From: [E R Lillyblad@graco.com](mailto:E_R_Lillyblad@graco.com) [mailto:[E R Lillyblad@graco.com](mailto:E_R_Lillyblad@graco.com)]
Sent: Thursday, September 17, 2015 9:44 AM
To: INFOCNTR (PHMSA)
Subject: Request for Formal Letter of Interpretation

Dear Sir/Madam:

I am writing to request a formal letter of interpretation relating to DOT hazardous material packaging requirements as detailed in 49 CFR 173.159.

Specifically, can you advise as to the meaning in §173.159(a) that states: "Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid (wet batteries), may not be packed with other materials except as provided in paragraphs (g) and (h) of this section and in §§ 173.220 and 173.222"?

Does that mean that no other hazardous material can be in the packaging with a wet acid battery except in accordance with paragraphs (g) and (h) of §173.159 and §173.220 and §173.222, or does that mean no other material, even of a non-hazardous nature (e.g., paper instruction manual, pair of gloves, metal wrench, other "non-hazardous" material) can be in the packaging with a wet acid battery?

Please advise.

Thank you,
Eric Lillyblad
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612-623-6414
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