



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JUL 26 2016

Mr. Robert Richard
Vice President Regulatory Compliance
Labelmaster Services, Inc.
5724 N. Pulaski Rd.
Chicago, IL 60646

Ref. No.: 16-0045

Dear Mr. Richard:

This responds to your letter regarding provisions for lithium batteries transported by modes other than air when marked and labeled in accordance with Section IB of Packing Instruction (PI) 965 or 968 of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI).

You ask whether a package that meets the provisions for the small cells and batteries in § 173.185(c) and displays the Class 9 label and the lithium battery handling marking in accordance with Packing Instruction 965, Section IB for air transport, remain eligible to utilize marking and labeling exceptions applicable to modes other than air transport without removing the affixed Class 9 label and lithium battery handling marking. In addition, you suggest we include clarifying language in the HMR.

The answer is yes. The hazard communication requirements for lithium batteries prepared in accordance with Section IB (§ 173.185(c)(4)(vi) of the HMR) were added to ICAO TI in the 2013-2014 edition and are not new. The labels and markings required to be affixed to packages for transport by air in accordance with the ICAO TI (Class 9 and lithium battery handling markings) need not be removed or covered for subsequent transportation by other modes. Shipments prepared in accordance with Section IB remain eligible for the exceptions provided in § 173.185(c).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Wiener
\$173.155(a)
Batteries
16-0045

Dodd, Alice (PHMSA)

From: Goodall, Shante CTR (PHMSA)
Sent: Wednesday, March 16, 2016 3:27 PM
To: Dodd, Alice (PHMSA)
Subject: FW: Request for Interpretation Lithium ion Battery - PI 965, Section IB packages
Attachments: IB packaes by ground (2).docx

From: Betts, Charles (PHMSA)
Sent: Tuesday, March 15, 2016 3:52 PM
To: Goodall, Shante CTR (PHMSA)
Subject: FW: Request for Interpretation Lithium ion Battery - PI 965, Section IB packages

Shante –

Please replace the earlier interp. request with this attached letter.

From: Bob Richard [<mailto:BRICHARD@labelmaster.com>]
Sent: Tuesday, March 15, 2016 3:14 PM
To: Betts, Charles (PHMSA)
Cc: Pfund, Duane (PHMSA); Kelley, Shane (PHMSA); Leary, Kevin (PHMSA); Alicia Wieczorek, DGSA
Subject: RE: Request for Interpretation Lithium ion Battery - PI 965, Section IB packages

Thank you! There was a minor typo so please refer to this version.

BOB RICHARD

Vice President Regulatory Compliance
Labelmaster Services Inc.
5724 N. Pulaski Rd.
Chicago, IL 60646
Direct: 773-540-0837
Email: brichard@labelmaster.com
Web: www.labelmaster.com/services

Keeping companies ahead of the dynamic and frequent changes to hazardous materials regulations.



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From: charles.betts@dot.gov [<mailto:charles.betts@dot.gov>]
Sent: Tuesday, March 15, 2016 12:54 PM
To: Bob Richard
Cc: Duane.Pfund@dot.gov; shane.kelley@dot.gov; Kevin.Leary@dot.gov
Subject: RE: Request for Interpretation Lithium ion Battery - PI 965, Section IB packages

Thanks Bob. Your request will be logged and assigned to a specialist for response.

From: Bob Richard [<mailto:BRICHARD@labelmaster.com>]

Sent: Tuesday, March 15, 2016 12:45 PM

To: Betts, Charles (PHMSA)

Cc: Pfund, Duane (PHMSA); Kelley, Shane (PHMSA); Leary, Kevin (PHMSA)

Subject: Request for Interpretation Lithium ion Battery - PI 965, Section IB packages

Please accept the attached request for interpretation.

BOB RICHARD

Vice President Regulatory Compliance

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March 15, 2016

Charles Betts, Director Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: Standards and Rulemaking Division, PHH-10
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
East Building, Floor 2
Washington, DC 20590-0001

Subject: Request for Interpretation; Ground Transport of Shipments of Lithium Batteries Prepared in Accordance with ICAO Packing Instruction 965 Section IB

Dear Mr. Betts:

I am writing on behalf of a client that is a manufacturer of consumer electronic devices who ships stand alone lithium batteries internationally by air, sea and ground transport. On April 1, 2016 the amendments recently adopted by the International Civil Aviation Organization (ICAO) will come into force. As a result many companies who previously shipped small lithium batteries under Packing Instruction 965 Section II will no longer be able to do so because of the one Section II package per consignment limit and similar restrictions on overpacks. This will require shippers to offer consignments under Section IB of Packing Instruction 965.

Many Section IB packages will now need to move by ground and sea. Unfortunately, since these have a Class 9 hazard label on the package, ground and sea carriers will treat them as if they are fully regulated packages adding further cost and regulatory burden on lithium battery shippers. In many cases carrier personnel use the hazard label on a package as a trigger to indicate that the package is fully regulated and required to be documented with a shipping paper and dangerous goods declaration.

When packages prepared according to Section IB of Packing Instruction 965 or 968 reach their destination they may need to be reoffered for ground or ocean transport. Shipper's will incur a heavy financial burden if they are required to remove or cover labels or offer the freight as a fully regulated shipment with a dangerous goods declaration. Downstream shippers may not have appropriate training because they only ship excepted lithium batteries and are normally just required to receive adequate instruction relative to offering excepted batteries for transport by sea or road.

The question we would like you to respond to is:

If a package is marked and labelled according to Packing Instruction 965 Section IB for air transport but the batteries meet the exceptions for ground transport in §173.185(c) can it be shipped or reoffered according to the ground exceptions with Section IB markings and labels?

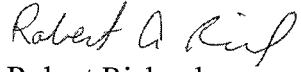
Based on the confusion experienced to date with Section IB shipments transported by ground it may be necessary to include clarifying language in the Hazardous Materials regulations, international dangerous goods regulations and UN Model Regulations to alleviate future confusion. It is noted that the UN Model Regulations were amended not so long ago to revise paragraph 3.4.10 to clarify that limited quantity packages offered for air transport can be shipped under the ground exceptions applicable to limited quantity shipments. Similar regulatory amendment may be necessary to clarify shipments conforming with the provisions of ICAO PI 965 and 970 Section IB may be transported according to exceptions applicable to small lithium batteries offered for

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transport by ground and sea. Please consider such a clarification when developing the next international harmonization rule or subsequent rule that addresses the recent ICAO amendments. Please also take action at the UN Transport of Dangerous Goods Sub-Committee and ICAO Dangerous Goods Panel as appropriate.

I look forward to your response and would appreciate if you could respond prior to the April 1, 2016 date.

Respectfully,



Robert Richard

Vice President Labelmaster Services

Illustrations of packages prepared according to ICAO PI 965 Section IB

