



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

SEP 01 2016

Mr. Cary S. Krickeberg
Safety Manager
N&M Transfer Co., Inc.
630 Muttart Road
Neenah, WI 54956

Reference No. 16-0081

Dear Mr. Krickeberg:

This letter is in response to your May 5, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to electric storage batteries. You provide a scenario where a 1,200-pound forklift battery (UN 2794) is secured to a pallet in accordance with § 173.159(d)(1). Specifically, you ask whether the battery secured to the pallet is contained in a packaging, defined as a bulk package, and requires a four digit marker (identification number) on the transport vehicle.

As defined in § 171.8, the term packaging means “a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packing requirements of this subchapter.” Pallets typically meet the definition of an overpack, as defined in § 171.8, as opposed to a package, which is defined as “a packaging plus its contents.” However, § 173.159(d)(1) authorizes electric storage batteries firmly secured to skids or pallets as an authorized non-specification packaging provided all requirements of the paragraph are met. Therefore, in your scenario, the forklift battery secured to a pallet meets the definition of a package.

In accordance with § 171.8, the definition of a bulk packaging is a packaging with a “maximum net mass greater than 400 kg (882 lbs.) and a maximum capacity greater than 450 L (119 gals) as a receptacle for a solid” with “no intermediate forms of containment.” It is the opinion of this Office that the size of the battery determines whether a package meeting the requirements of § 173.159(d)(1) is considered bulk or non-bulk. Therefore, an electric storage battery exceeding 400 kg secured to a pallet is a bulk package, and the transport vehicle must be marked with identification number as required by § 172.331.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

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

Goodall, Shante CTR (PHMSA)

Rehman
171.80
Definitions & Abbreviations
16-0081

From: Rivera, Jordan CTR (PHMSA)
Sent: Friday, May 06, 2016 3:10 PM
To: Hazmat Interps
Subject: FW: REQUEST INTERPRETATION ON PACKAGE DEFINITON AND VEHICLE MARKING REQUIREMENTS FOR LARGE SINGLE FORKLIFT BATTERIES

Hi Shante/Alice,

Please submit this for a letter of interpretation. I spoke with Mr. Krickeberg.

Please let me know if you have any questions.

Thanks,
Jordan

From: Cary S. Krickeberg [<mailto:CKRICKEBERG@nmtransfer.com>]
Sent: Thursday, May 05, 2016 3:58 PM
To: PHMSA HM InfoCenter
Subject: REQUEST INTERPRETATION ON PACKAGE DEFINITON AND VEHICLE MARKING REQUIREMENTS FOR LARGE SINGLE FORKLIFT BATTERIES

Attn: PHMSA Info Center;

My office is requesting a bulk package clarification and a vehicle marking clarification on the transport of a single palletized forklift battery (UN2794) that weighs over 1200 lbs.

Questions

- 1) Is a single 1200 lb. forklift battery (shipped and banded on a pallet) considered packaged or in a package? (171.8)
- 2) If it is considered a package, would it exceed the 882 lb. bulk package requirement for solids? (171.8)
- 3) If it is considered a solid bulk package, would it therefore require a four digit marking on the transport vehicle? (172.331(c))

The bulk packaging description found in 171.8 does not seem to address this type of cargo. .

§171.8 Definitions and abbreviations.

Bulk packaging means a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment. A Large Packaging in which hazardous materials are loaded with an intermediate form of containment, such as one or more articles or inner packagings, is also a bulk packaging. Additionally, a bulk packaging has

- (1) A maximum capacity greater than 450 L (119 gallons) as a receptacle for a liquid;

(2) A maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid; or

Package or Outside Package means a packaging plus its contents. For radioactive materials, see §173.403 of this subchapter.

Packaging means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packing requirements of this subchapter.

§172.331 Bulk packagings other than portable tanks, cargo tanks, tank cars and multi-unit tank car tanks.

(c) For a bulk packaging contained in or on a transport vehicle or freight container, if the identification number marking on the bulk packaging (e.g., an IBC) required by §172.302(a) is not visible, the transport vehicle or freight container must be marked as required by §172.332 on each side and each end with the identification number specified for the material in the §172.101 Table.

I appreciate your attention to our concerns.
CK

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"Friendship with the Lord is reserved for those who fear Him" Psalm 25:14