



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 11 2016

Mr. Matt Payne
Hazmat Program and Compliance Manager
Ameriflight
1515 W. 20th St.
DFW Airport, TX 75261

Reference No. 16-0102

Dear Mr. Payne:

This responds to your June 10, 2016 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) applicable to the transport of lithium batteries. Specifically, you ask if lithium batteries that meet the requirements of 173.185(c) and are excepted from shipping paper requirements are also excepted from the pilot notification requirements of § 175.33.

Lithium batteries that comply with the size, packaging, hazard communication, air transportation, and marking exceptions prescribed for smaller lithium cells and batteries in § 173.185(c) are excepted from the requirements in 49 CFR Part 172, subparts C (Shipping Papers), D (Marking), E (Labeling), F (Placarding), G (Emergency Response Information), and H (Training), and the UN performance packaging requirements prescribed in § 173.185(b)(3)(ii) and (b)(4).

A consignment of lithium batteries that is excepted from the shipping paper requirements in subpart C of part 172 is not subject to the shipping paper and pilot notification requirements prescribed in § 175.33.

I hope this satisfies your inquiry. Please feel free to contact us if we can be of further assistance.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Antonelli
§173.185
Batteries
16-0102

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Friday, June 10, 2016 4:39 PM
To: Hazmat Interps
Subject: FW: Request for formal Interpretation

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Mr. Payne.

Please let me know if you have any questions.

Thanks,
Jordan

From: MPayne@ameriflight.com [<mailto:MPayne@ameriflight.com>]
Sent: Friday, June 10, 2016 10:54 AM
To: INFOCNTR (PHMSA)
Subject: Request for formal Interpretation

Good Morning,

I am requesting a formal interpretation of the exceptions associated with lithium batteries. 49CFR 137.185 provides exceptions to the requirements in subparts C - H of part 172 for UN3090, UN3480, UN3091, and UN3481. My question relates to pilot notification.

Are lithium batteries shipments that meet the requirements of 137.185 and therefore do not have associated shipping papers, also excepted from pilot notification requirements found in 175.33?

I was advised by the D.O.T. Hazardous Materials Hotline that lithium batteries meeting the requirements of 137.185 were also excepted from pilot notification requirements. However, after looking at it closely myself, I felt a formal interpretation was in order.

Thank you for your guidance,

Matt Payne
Hazmat Program and Compliance Manager

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