



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

MAR 22 2017

Mr. Timothy W. Wiseman  
Managing Partner  
Scopelitis, Garvin, Light, Hansen & Feary, P.C.  
10 West Market Street, Suite 1400  
Indianapolis, IN 46204

Reference No. 16-0123

Dear Mr. Wiseman:

This letter is in response to your June 23, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging requirements for lithium batteries that each weigh more than 12 kg (26.5 lbs). Specifically, you request confirmation that lithium batteries secured in the racking system described in your email conform to the provisions of § 173.185(b)(5).

In your email, you described a racking system used to transport lithium batteries in dedicated trucks between manufacturing facilities. The racking system consists of a frame and a series of shelves. The frame of the racking system is steel tubing, and the sides of the rack and each shelf are molded corrugated plastic. A single lithium ion battery is placed in a foam partition and bolted to a shelf in the rack. You provided pictures and diagrams of the batteries and the racking system.

Based on the information provided, it is the opinion of this Office that the batteries placed in the rack system would not meet conditions described in § 173.185(b)(5). As prescribed in § 173.185(b)(5), lithium batteries and assemblies must have a strong impact resistant outer casing. The batteries described in your letter do not meet this requirement. However, special permits may authorize relief from any requirement in the HMR, provided the applicant demonstrates an equivalent level of safety to that intended by the regulation. To apply, you must submit an application to the Associate Administrator for Hazardous Materials Safety in conformance with the requirements prescribed in 49 CFR Part 107, Subpart B. You may obtain information on the special permit application process from our website at <http://www.phmsa.dot.gov/hazmat/regs/sp-a>, or by calling PHMSA's Approvals and Permits Division at (202) 366-4511.

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

Sincerely,

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

**Goodall, Shante CTR (PHMSA)**

Leary  
173.F85  
Lithium cells and Batteries  
16-0123

**From:** Betts, Charles (PHMSA)  
**Sent:** Friday, July 15, 2016 9:19 AM  
**To:** Goodall, Shante CTR (PHMSA)  
**Cc:** Solomey, Joe (PHMSA); Patterson, Tyler (PHMSA); Leary, Kevin (PHMSA)  
**Subject:** FW: Lithium Battery Issue  
**Attachments:** Honda Diagram.docx  
  
**Importance:** High

Good morning Shante –

Please log and assigned this request for interpretation to Kevin for response.

Thanks,  
Charles

**From:** Solomey, Joe (PHMSA)  
**Sent:** Thursday, July 14, 2016 11:10 AM  
**To:** Betts, Charles (PHMSA)  
**Subject:** FW: Lithium Battery Issue

Joseph Solomey  
Pipeline and Hazardous Materials Safety Administration  
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**From:** Wiseman, Tim [<mailto:TWISEMAN@scopelitis.com>]  
**Sent:** Thursday, June 23, 2016 12:34 PM  
**To:** Solomey, Joe (PHMSA); Patterson, Tyler (PHMSA)  
**Subject:** Lithium Battery Issue

Joe and Tyler:

I hope all is well with both of you. I was hoping to speak with someone in your office regarding the lithium ion battery regulations in 49 C.F.R. 173.185. Specifically, I represent Honda North America, which has developed a unique racking system for the purposes of transporting larger lithium batteries used for automobiles between the company's manufacturing facilities (with the use of dedicated trucks). I have attached a few photographs and diagrams of the racking system for your further review. There is a single lithium battery bolted in place on each shelf of the racking system, which is then secured in the truck. I believe that this racking system would qualify under 49 C.F.R. 173.185(b)(5) since the individual battery weighs more than 26.5 pounds.

The question I have is the inner liner requirement under 173.185(b)(3)(i). Honda plans on using a molded corrugated plastic divider on all sides of each shelving that appears to meet the requirements of the regulation ("the lithium batteries must be placed in a non-metallic inner packaging that completely enclose the cells or batteries, and separate the cells or batteries from contact with equipment, other devices or conducted materials.") However, before they begin manufacturing the racking system for use, they asked me to confirm with the agency whether this would be considered acceptable under the regulations or whether a special permit may be required.

As always, thanks for any guidance you can provide on this issue.

/Tim

Timothy W. Wiseman  
Managing Partner

WEBSITE BIO VCARD E-MAIL


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