



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

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

APR 14 2010

Ms. Peggy Halferty, P.E.
Environmental Health and Safety Manager
Total Reclaim, Inc.
2200 6th Avenue south
Seattle, WA 98134

Ref. No. 10-0028

Dear Ms. Halferty:

This responds to your February 4, 2010 request for clarification on shipment of batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask that PHMSA consider the extension of the battery terminal insulation determinations, as stated in interpretation Ref. No. 09-0219, to domestic shipments by barge.

Under §173.21(c), the HMR prohibit the transportation of electrical devices that are likely to create sparks or generate a dangerous quantity of heat, unless the devices are packaged in a manner that precludes such an occurrence. However, as indicated in interpretation Ref. No. 09-0219, it is the opinion of this Office that used or spent batteries of both non-rechargeable and rechargeable designs, described as "Batteries, dry, sealed, n.o.s." in the Hazardous Materials Table in §172.101 of the HMR, and not specifically covered by another proper shipping name, with a marked rating up to 9-volt are not likely to generate a dangerous quantity of heat, short circuit, or create sparks in transportation. Therefore, used or spent batteries of the type "Batteries, dry, sealed, n.o.s." with a marked rating of 9-volt or less that are combined in the same package and transported by highway, rail and also by barge or vessel for recycling, reconditioning, or disposal are not subject to the HMR. Note that batteries utilizing different chemistries (i.e., those battery chemistries specifically covered by another proper shipping name) as well as dry, sealed batteries with a marked rating greater than 9-volt, may not be combined with used or spent batteries of the type "Batteries, dry, sealed, n.o.s." in the same package. Note also, that the clarification provided in this letter does not apply to batteries that have been reconditioned for reuse.

I hope this information is helpful. If you need further assistance, please contact this Office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

Boothe
§ 172.102 SP 130
§ 173.21

From: INFOCNTR (PHMSA)
Sent: Thursday, February 04, 2010 3:40 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: PHMSA Interpretation ref. no. 09-0219 and shipment of batteries by barge

Batteries
10-0028

Carolyn,
Here is another request for written interpretation.
Thanks,
Rob

From: Peggy Halferty [mailto:PeggyH@TotalReclaim.com]
Sent: Thursday, February 04, 2010 3:17 PM
To: INFOCNTR (PHMSA)
Subject: PHMSA Interpretation ref. no. 09-0219 and shipment of batteries by barge

Edward Mazzullo,

Director of Hazardous Material Standards

Pipeline & Hazardous Material Safety Administration

Dear Mr. Mazzullo,

Total Reclaim, Inc (TRI) is an electronics recycling company. We also function as a storage and handling facility for recycling batteries. TRI strives to provide an affordable, accessible recycling alternative for electronics, batteries and fluorescent lights in the Pacific Northwest. In addition we strive at all times to comply with state federal and local regulations. As part of this effort and in compliance with 49 CFR 173-181, Special Provision 130 in 172.102 and 173.21 we have monitored the interpretations issued by the PHMSA and modified our shipping procedures to comply with the latest interpretations issued.

It has come to our attention that a letter of interpretation was issued to Mr. Johnstone on November 25, 2009 (Ref. No. 09-0219) stating that used or spent batteries of the type "Batteries, dry, sealed, n.o.s." with a marked rating of 9-volt or less that are combined in the same package and transported by highway or rail for recycling, reconditioning, or disposal are not subject to the HMR". This letter provides substantial relief in the preparation of 9-volt or less batteries for shipping. As noted above, this interpretation states "transported by highway or rail". TRI operates a recycling consolidation facility in Alaska. Our Alaska facility collects batteries from Anchorage and other Alaskan communities, sorts and prepares them for shipping. These batteries are shipped by barge. As the interpretations (Ref No. 09-0090 and Ref. No. 09-0219) issued to date do not provide relief from terminal insulation requirements for materials shipped by barge, our Alaska facility has continued to insulate the terminals of all batteries shipped.

While we understand that shipment by air requires more stringent safety requirements, we ask that you consider the extension of the battery terminal insulation determinations stated in Interpretation Ref. No. 09-0219 to shipments by barge (domestic vessels).

Thank you so much for your time and consideration,

Peggy Halferty, P.E.

Environmental Health and Safety Manager,

Total Reclaim, Inc. 2200 6th Ave South

Seattle WA, 98134

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