



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 14 2008

Mr. Carl Severn
12596 W Bayaud Avenue, Suite 210
Lakewood, Colorado 80228

Ref. No. 08-0202

Dear Mr. Severn:

This is in response to August 5, 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provide six common battery types and the proper shipping description that you believe is appropriate for each. You ask that we confirm the proper shipping descriptions for each of the six battery types. The battery type and your description for each are summarized as follows:

1. Nickel-Cadmium batteries (dry, typically for appliances, toys, and cordless phones).
Proper shipping description: Battery, dry, *not subject to the requirements of this subchapter*.
2. Nickel-Cadmium batteries (wet)
Proper shipping description: Batteries, wet, filled with alkali, 8, UN3028, III
3. Alkaline Batteries (common AA, D, and C cell batteries)
Proper shipping description: Battery, dry, *not subject to the requirements of this subchapter*
4. Lithium-manganese dioxide batteries (found in phones and digital cameras)
Proper shipping description: Lithium battery, 9, UN3090, II
5. Lithium ion button batteries (typically for watches and calculators)
Proper shipping description: Lithium battery, 9, UN3090, II
6. Silver oxide batteries (common in watches)
Proper shipping description: Battery, dry, *not subject to the requirements of the subchapter*

It is the shipper's responsibility to properly class and describe a hazardous material in accordance with the HMR (see § 173.22, shipper responsibility). This office does not perform that function. However, it is the opinion of this Office that the proper shipping descriptions you have provided for each battery type are appropriate. Please note that batteries described as "Batteries, dry, *not subject to the requirements of this subchapter*" must be securely packaged and offered for transportation in a manner that prevents the

Carl Severn
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Eichenlaub
\$172.101
\$173.185
Proper Shipping Name
08-0202

August 5, 2008

Mr. Ed Mazzullo
U.S. DOT PHMSA
1200 New Jersey Avenue, SE Building, 2nd Floor
Washington, DC 20590

Dear Mr. Mazzullo:

I am seeking written guidance in regards to 49 CFR 172.101. In particular, I am looking for clarification as to what are the most accurate shipping descriptions for common batteries.

Below are listed six common battery types (1-6). Under each type I placed shipping descriptions I feel best describe the battery, the first (A) being my first shipping description choice, the second (B) being my second choice for a shipping description. Please provide assistance by identifying the most accurate shipping description for the following battery types.

Note: The batteries below are not in their original inner packagings, intended for retail sale. Rather, they are used and are being collected for disposal or recycling. As well, transport is by highway only.

- 1) Nickel-cadmium batteries (dry, typically for appliances, toys and cordless phones)
 - A) Battery, dry, *not subject to the requirements of this subchapter*
 - B) Batteries, dry, containing potassium hydroxide solid, 8, UN3028, III
- 2) Nickel-cadmium batteries (wet)
 - A) Batteries, wet, filled with alkali, 8, UN2795, III
- 3) Alkaline batteries (these are the common AA, C and D cell batteries)
 - A) Battery, dry, *not subject to the requirements of this subchapter*
 - B) Batteries, dry, containing potassium hydroxide solid, 8, UN3028, III
- 4) Lithium-manganese dioxide batteries (found in phones and digital cameras)
 - A) Lithium battery, 9, UN3090, II
- 5) Lithium ion button batteries (typically for watches and calculators)
 - A) Lithium battery, 9, UN3090, II

- 6) Silver oxide button batteries (common in watches)
 - A) Battery, dry, *not subject to the requirements of this subchapter*
 - B) Batteries, dry, containing potassium hydroxide solid, 8, UN3028, III

Any help would be greatly appreciated.

Sincerely,
Carl Severn