



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 13 2013

Mr. Robert Richard
Vice President, Regulatory Affairs
Labelmaster Services
5724 N. Pulaski Rd.
Chicago, IL 60646

Ref. No.: 13-0034

Dear Mr. Richard:

This is in response to your January 14, 2013 email and conversation with a member of my staff requesting clarification of the requirements for shipping lithium batteries in accordance with Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI). Both the HMR and the ICAO TI require that certain shipments of lithium batteries also have an accompanying document indicating, among other things, that packages contain lithium batteries and that special procedures must be followed in the event of damage to the packages. Specifically, you ask if this document may be affixed to packages through the use of a pressure sensitive, peel away document.

The answer is yes. Both the HMR and the ICAO TI require a document to accompany the shipment indicating that the package contains lithium batteries and that special procedures must be followed if the package is damaged. This requirement may be fulfilled in a number of ways including through the use of a tear away document affixed to each package in the consignment.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division



Leary
§173.185
Lithium Battery
13-0036

January 14, 2013

Charles Betts, Director Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: Standards and Rulemaking Division, PHH-10
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
East Building, Floor 2
Washington, DC 20590-0001

Subject: Request for Interpretation; Lithium Battery Documentation

Dear Mr. Betts:

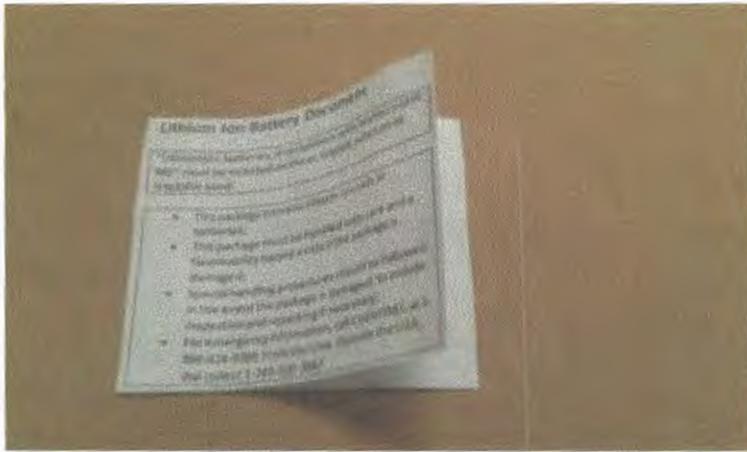
I am writing on behalf of a client that intends to use a pressure sensitive peel away document to fulfill the requirements of the International Civil Aviation Organization Technical Instructions (ICAO TI). In Section II of packing instructions 965-970 there is a requirement that each consignment must be accompanied with a document that includes specific wording. Currently my client includes the document with each consignment by placing the document in a plastic pouch that is affixed to the outer package or overpack as applicable. The client is considering using a more efficient pressure sensitive peel away document in lieu of placing the document in a plastic pouch. The pressure sensitive peel away document is less likely to be tampered with or to be inadvertently separated from the consignment. I have attached illustrations of the peel away document and a package and overpack with the lithium battery handling label and peel away battery document shown. I am requesting confirmation that use of the pressure sensitive peel away document is acceptable.

The ICAO TI does not state that the document needs to be available away from the package and it does not prohibit it from being placed inside a package. Nevertheless, the client attaches the document to the exterior of packages or overpacks to enhance its accessibility. The client has discussed this issue with several airlines. The airlines have not expressed any objections related to the use of the peel away document. The peel away document includes all of the required information and is easily accessible. It travels with the package and therefore is therefore more difficult to be misplaced or separated from the shipment. On this basis, I can't see any safety reason why this solution would not be acceptable. It is currently common industry practice to attach the battery document either to the exterior or place the document in the package. I look forward to your confirmation that use of the pressure sensitive peel away document is acceptable.

Respectfully,

Robert Richard
Vice President Labelmaster Services

Illustrations of the peel away battery document:



I reviewed the attached interpretation that you issued relative to preprinting or using a label attached to a package as a means of meeting the requirement for a document in SP188 or the ICAO Packing instructions. I have a client that places the document in a pouch that is affixed to a package. The client was previously told by the Info Center that this is acceptable. The client would prefer not to use a pouch but instead to use a peel of document like the ones used on pesticide bottles (see illustrations attached). In my interpretation this should be acceptable and is different from the situation addressed in the interp you signed. Please let me know if you agree that this would be acceptable.

Happy 2013!

Bob

BOB RICHARD

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