



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

NOV 01 2013

Mr. Robert Richard  
Vice President Labelmaster Services  
5724 N. Pulaski Road  
Chicago, IL 60646

Ref. No.: 13-0182

Dear Mr. Richard:

This is in response to your July 29, 2013 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to non-spillable batteries. Your questions are paraphrased and answered as follows:

Q1. When non-spillable batteries are shipped in an overpack e.g. a shrink wrapped pallet, must the word OVERPACK appear on the overpack?

A1. No, an overpack must be marked with the word OVERPACK when specification packagings are required, unless specification markings on the inside packagings are visible. Non-spillable batteries are not required to be placed in specification packages.

Q2. Do the words NON-SPILLABLE or NON-SPILLABLE BATTERY have to be marked on the overpack if they are not clearly visible through the overpack?

A2. No, the words NON-SPILLABLE or NON-SPILLABLE BATTERY need only appear on the battery and the outside package.

Q3. Do the HMR prescribe requirements for the size or place of the words NONSPILLABLE or NONSPILLABLE BATTERY?

A3. The words NONSPILLABLE or NONSPILLABLE BATTERY must be plainly and durably marked on the battery and the outer packaging. The HMR do not specify a particular size or location for the marks. Any method that affixes the required markings to the package in a durable manner is acceptable.

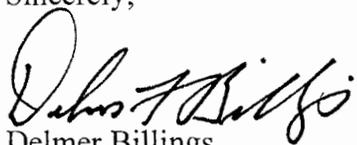
Q4. Why do the HMR in § 173.159a(c)(2) waive the requirement to mark an unpackaged piece of equipment with the words NONSPILLABLE or NONSPILLABLE BATTERY but applies this requirement if the same piece of equipment is placed into an outer package?

A4. A nonspillable battery and the outer packaging containing a nonspillable battery must be plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY." This

requirement also applies to both a nonspillable battery contained in equipment placed in an outer packaging and a nonspillable battery packed with equipment placed in an outer packaging. The marking facilitates the easy identification of a nonspillable battery by carriers, reshippers, and compliance enforcement personnel to know whether the battery being shipped may be offered for transportation or transported under the general exception of § 173.159a. For a nonspillable battery contained in equipment and transported without outer packaging, the marking is not required on the outside of the equipment. This complements the provisions in § 173.220(c) applicable to UN3171, Battery Powered Equipment.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer Billings". The signature is written in a cursive style with a large initial "D".

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division



Leary  
§173.159  
Batteries  
13-0182

July 29, 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; Marking Requirements for Overpacks Containing Non-Spillable Batteries

Dear Mr. Betts:

I am writing on behalf of a client that ships non-spillable batteries and back-up/uninterruptable power devices. I would greatly appreciate responses to these questions to assist my client in ensuring they are compliant with the HMR:

1. Shipments of non-spillable batteries are typically placed in an overpack or palletized and shrink wrapped with clear or opaque shrink wrap. When non-spillable batteries are shipped in overpacks including shrink wrapped pallets does the word "OVERPACK" need to be marked on an overpack?
2. Do the words "NONSPILLABLE" or "NONSPILLABLE BATTERY" need to be marked on the overpack if they are not clearly visible?
3. Are there any size or placement requirements that apply to the "NONSPILLABLE" or "NONSPILLABLE BATTERY" markings? For instance some manufacturers place the mark on the bottom of the outer packaging where they are not clearly visible when shipped on pallets. Manufacturer markings are in many cases extremely small and difficult to read. The Hazardous Materials Regulations would appear to authorize this since §173.159a(c)(2) is silent on marking size or placement.
4. §173.159a(c)(2) indicates that the requirement to mark the outer package does not apply when the battery is installed in a piece of equipment that is transported unpackaged. My client ships backup power units containing non-spillable batteries that are transported in an outer package. Why is the marking waived when the device is unpackaged but not when it is packaged?

Respectfully,

Robert Richard  
Vice President Labelmaster Services