



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

FEB 11 2014

Mr. Hector Casas  
Casas International Brokerage, Inc.  
9665 Airway Road, Suite 4  
San Diego, CA 92154

Ref. No.: 14-0005

Dear Mr. Casas:

This is in response to your email dated December 24, 2013, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the shipment of batteries, wet, non-spillable, UN 2800 from Mexico to the United States. You request confirmation that pursuant to HMR § 173.159a(d), a shipment of non-spillable batteries as well as non-spillable batteries with lighting equipment is excepted from the labeling requirements of subpart E of part 172 of the HMR.

You are correct. Provided the shipment of non-spillable batteries is in full compliance with all applicable requirements of HMR § 173.159a, relief from all other requirements of the HMR is available under § 173.159a(d). Therefore, such shipments of non-spillable batteries are not subject to the labeling requirements of the HMR.

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

Sincerely,

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

Babich  
§173.159(d)  
Batteries

**Drakeford, Carolyn (PHMSA)**

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14-0005

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, January 06, 2014 2:24 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Feedback: General Questions/Comments Regarding the PHMSA Enforcement Program

-----Original Message-----

**From:** PHMSA Webmaster  
**Sent:** Tuesday, December 24, 2013 4:41 PM  
**To:** HM-Enforcement (PHMSA); PHMSA Webmaster  
**Subject:** Feedback: General Questions/Comments Regarding the PHMSA Enforcement Program

49CFR 173.159(a) has packaging label exception for non spillable batteries. Our client, Eaton Lighting AKA Cooper) a manufacturer of lighting and in this particular case, safety lighting, will ship into the US from Mexico safety lighting with the nonspillable battery as well as nonspillable battery UN2800 on its own. We petitioned local Customs in the Port of Calexico for waiver of marking pursuant to 173.159(d) and were denied and recommended to pursue request from DOT. Can you provide us with a label exception determination on non spillable batteries UN2899 that will use proper carton and "non spillable" marking. Thank you in advance for your response to our inquiry.

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