



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUN 17 2015

Richard J. Lloyd
31 Bastian Lane
Allentown, PA 18104

Ref. No. 15-0007

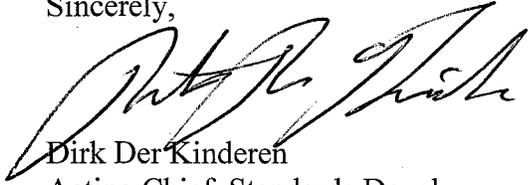
Dear Mr. Lloyd:

This is in response to your January 9, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding exceptions for the shipment of smaller lithium metal cells and batteries contained in equipment. You describe a package (box) containing lithium metal batteries contained in equipment where: (1) the lithium content of each lithium metal battery does not exceed 2 g; (2) the lithium metal batteries contained in the equipment do not exceed 5 kg net weight; and (3) there are no more than two lithium batteries installed in the equipment. Your questions concerning this scenario are paraphrased and answered as follows:

- Q1. Are the markings and documentation specified in §§ 173.185(c)(1)(iii), and 173.185(c)(3) required on the package?
- A1. Provided that the package and batteries are in compliance with all other applicable provisions of § 173.185, the markings and documentation are not required.
- Q2. If more than one package, as described above, is consolidated into an overpack, does the overpack need to be marked, labeled, or display an overpack marking?
- A2. In accordance with §§ 173.25(a)(2) and 173.185(c), the described overpack would not be subject to the marking and labeling requirements of Subparts D and E of Part 172 of the HMR. Furthermore, in accordance with § 173.25(a)(4), the overpack marking would also not be required since specification packagings are not required.
- Q3. Is there any restriction on the number of such individual packages that may be packed in the overpack?
- A3. There is no restriction on the number of conforming packages that may be overpacked.

I trust 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 "Dirk Der Kinderen". The signature is fluid and cursive, with the first name "Dirk" being the most prominent part.

Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Babich
§173.185(c)
Lithium Batteries

Dodd, Alice (PHMSA)

15-0007

From: Ciccarone, Michael CTR (PHMSA)
Sent: Friday, January 09, 2015 12:58 PM
To: Hazmat Interps
Subject: FW: HM-224F

Shante/Alice,

Please submit this for a formal letter of interpretation. I spoke with Mr. Lloyd about this issue.

Thanks,

Mike

From: Richard Lloyd [<mailto:dickchar@rcn.com>]
Sent: Friday, January 09, 2015 11:07 AM
To: INFOCNTR (PHMSA)
Subject: HM-224F

Dear Sir:

I will appreciate an interpretation letter clarifying several questions concerning the application of the exceptions for smaller cells or batteries specified in 49 CFR 173.185 (c) for lithium metal batteries contained (installed) in equipment.

Question one:

A package (box) having lithium metal batteries contained (installed) in equipment would not require any marks or labels if the package (box) was in compliance with the exceptions in 173.185 (c) which includes:

- a. The lithium content may not exceed 2 g for a lithium metal battery;
- b. The lithium metal batteries contained in equipment are in quantities less than 5 kg net weight; and
- c. There are no more than two lithium batteries installed in the equipment

Therefore, the "PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" or "LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" package mark is not required and the hazard communications specified in 173.185 (c) (3) (i) (outer package marking) and (ii) (documentation accompanying shipment) are also not required for lithium metal batteries contained (installed) in equipment shipped in compliance with the exception noted in 173.185 (c).

Question two:

If identical individual packages (boxes) of lithium metal batteries contained (installed) in equipment, each in compliance with the 173.185 (c) exception, are consolidated into an overpack (master package), the overpack does not need to be marked or labeled since the individual packages of lithium metal batteries contained (installed) in equipment inside the overpack are not required to be marked or labeled. This includes the word "OVERPACK" mark which is not required since specification packaging is not required.

Question three:

There is no restriction on the number of individual packages (boxes) having lithium metal batteries contained (installed) in equipment that may be packed in the overpack.

Thank you for responding to these questions. If possible, please advise the tracking number when it is issued so that I can reference it if any follow-up is necessary.

Regards,

Richard J. Lloyd
31 Bastian Lane

Allentown, PA 18104

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