



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

FEB 19 2015

Ms. Veronica Wilson  
Sr. Strategy Manager, Hazmat Transportation  
Walmart  
508 Southwest 8<sup>th</sup> Street  
Bentonville, AR 72716

Reference No. 15-0017

Dear Ms. Wilson:

This is in response to your January 22, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the handling document required to accompany packages containing small lithium batteries. Specifically, you ask if the document required by §173.185(c)(3)(ii) must accompany each package within a shipment or if a single document per shipment is permitted and subsequently carried in the cab of the vehicle with the other documents such as the bill of lading. You note that as a retailer with a private fleet, or when using a dedicated third party carrier, you consider all of the material on-board as a single shipment.

Section §173.185(c)(3)(ii) states that "each shipment of one or more packages marked in accordance with this paragraph must be accompanied by a document..." In general, a "shipment" would consist of all materials described on an individual bill of lading. A document as required by 173.185(c)(3)(ii) would be required to accompany each shipment. If all of the materials loaded on a transport vehicle are consigned as a single shipment, then only a single handling document would be required. The document may physically accompany the cargo (such as in a peel away envelope) or be located in the cab of the vehicle in the manner prescribed in §177.817(e).

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

Sincerely,

Duane Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

Wiener  
§173.185(c)(3)(ii)  
Batteries  
15-0017

**Dodd, Alice (PHMSA)**

**From:** Wiener, Aaron (PHMSA)  
**Sent:** Monday, January 26, 2015 4:10 PM  
**To:** Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)  
**Subject:** FW: Clarification request

Alice, Shante,

Hi. Can you please log the below inquiry as a formal interp request and assign to me.

Thanks

Aaron

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**From:** Veronica Wilson [<mailto:Veronica.Wilson@walmart.com>]  
**Sent:** Thursday, January 22, 2015 9:26 PM  
**To:** Wiener, Aaron (PHMSA)  
**Subject:** Clarification request

Aaron,

We appreciate talking with you on the call this morning. We had one area we wanted clarification on.

In the Hazard Communication section of the rule (49CFR173.185(c)(3)(ii)), it states "each shipment of one or more packages marked in accordance with this paragraph must be accompanied by a document that includes the following:" Our question is what does PHMSA define as a shipment?

We realize that most times it could refer to offering a box or even a pallet to a 3<sup>rd</sup> party carrier for shipment to a particular destination. However, as a retailer with a private fleet or using a dedicated 3<sup>rd</sup> party carrier, we view a shipment as everything in the trailer. Our position is based on the fact that it is all our freight moving from our facility to another of our facilities and as such, the paperwork is prepared as if the whole trailer is one "shipment".

If PHMSA agrees this would allow us to potentially print the emergency handling document with our straight and hazmat bills of lading and carry those in the cab with the driver versus attaching to each outer package as if they were all "single" shipments.

We look forward to hearing your thoughts.

**Veronica Wilson - Sr. Strategy Manager, Hazmat Transportation**

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*The Right Way, Every Day!*

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