



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

AUG 12 2015

Samuel S. Elkind  
Corporate Regulated Goods Manager  
United Parcel Service  
55 Glenlake Parkway, NE  
Atlanta, GA 30328-3474

Ref. No. 15-0021

Dear Mr. Elkind:

This responds to your January 27, 2015 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on hazard communication requirements in § 173.185(c)(3)(ii) regarding lithium cells or batteries.

Section 173.185(c)(3)(ii) requires that shipments of lithium cells or batteries in several configurations must be accompanied by a document that contains information specified in the regulations. You state that some customers suggest the provisions in § 173.185(c)(3)(ii) may be satisfied by enclosing the document within the package containing the lithium cells or batteries. You state that you are aware of the opinion voiced by PHMSA representatives at public meetings that the document is intended to be used away from the package. Finally, you state that you are aware that when you tender a shipment of lithium cells or batteries to a commercial airline for transport to its final destination, the document must be furnished to the interline air carrier. You seek clarification whether a document contained inside a package would satisfy the requirements of § 173.185(c)(3)(ii).

While not recommended by PHMSA, it is not prohibited to place the document in the package in accordance with requirements in § 173.185(c)(3)(ii). This document may also be transmitted attached to the package (for example, in an accessible pouch affixed to the package) or may be transmitted separately to the carrier in a manner that permits the information to be produced as a paper document without delay.

I hope this satisfies your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

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

55 Glenlake Parkway, NE  
Atlanta, GA 30328-3474

Boothe  
173.185(c)(3)(ii)  
Lithium Cells & Batteries  
15-0021



January 27, 2015

Mr. Charles Betts  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE – PHH-10  
East Building, Second Floor  
Washington, DC 20590

Re: Lithium Battery Documentation – 49 CFR 173.185(c)(3)(ii)

Dear Mr. Betts:

In accordance with 49 CFR 173.185(c)(3)(ii), shipments of lithium cells or batteries in several configurations must be accompanied by a document that contains information specified in the regulations. In discussions with some customers, UPS has become aware of a number of innovative suggestions for means of complying with this requirement and, for one in particular, UPS seeks PHMSA's guidance.

Some customers have suggested that the provisions of 49 CFR 173.185(c)(3)(ii) may be satisfied by enclosing the document within the package containing the lithium cells or batteries. UPS is aware of the opinion voiced by PHMSA representatives at some public meetings that the document is intended to be used away from the package. UPS is further aware that when UPS must tender a shipment of lithium cells or batteries to a commercial airline for carriage to its final destination, the document must be furnished to the interline air carrier. Accordingly, UPS seeks clarification whether a document contained inside a package would satisfy the requirements of 49 CFR 173.185(c)(3)(ii).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel S. Elkind".

Samuel S. Elkind

Corporate Regulated Goods Manager