



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

APR 16 2015

Mr. Kevin S. Young  
Clean Pack Training and Development  
Clean Harbors  
42 Longwater Drive  
Norwell, MA 02061-9149

Ref. No.: 15-0057

Dear Mr. Young:

This responds to your March 20, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to the transport of dry batteries. The exception for used or spent dry batteries prescribed § 172.102, Special Provision 130, paragraph (d), requires that batteries utilizing different chemistries as well as dry batteries with a marked rating greater than 9-volt may not be combined with used or spent batteries in the same package. You ask if the term “package” applies to the inner bags containing the batteries or the outer package being offered for transport.

The term “package” refers to the completed package being offered for transport. As defined in § 171.8, a “package” or “outside package” means a packaging plus its contents. Therefore, in this scenario, batteries utilizing different chemistries or with a marked rating greater than 9-volt would need to be packed in separate packages.

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

Wiener  
(172.102) 130(d)  
Special Provision Batteries  
15-0057

**Goodall, Shante CTR (PHMSA)**

**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Monday, March 23, 2015 10:03 AM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation of Special Provision (172.102) 130(d)

Shante/Alice,

Please submit this for a formal letter of interpretation. Mr. Young spoke to Shelby in the HMIC.

Thanks,

Mike

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**From:** Young, Kevin S [<mailto:young.kevin@cleanharbors.com>]  
**Sent:** Friday, March 20, 2015 4:21 PM  
**To:** PHMSA HM InfoCenter  
**Subject:** Interpretation of Special Provision (172.102) 130(d)

Hello,

I would like to request a formal letter of interpretation.

I am inquiring regarding clarification of special provision 130(d) stating:

Note that batteries utilizing different chemistries (i.e., those battery chemistries specifically covered by another entry in the §172.101 Table) as well as dry batteries with a marked rating greater than 9-volt may not be combined with used or spent batteries in the same package."

My company is exploring battery recycling vendors, one of which has provided us with their interpretation of this special provision, stating that the definition of "package" in the above citation speaks to inner bags containing the batteries, not the outer package that is being offered for transport. We find this to be incorrect.

Your formal interpretation would be appreciated.

Thank You

***Safety Starts with Me: Live It 3-6-5***

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