



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

NOV 25 2009

Mr. Ronald S. Potter  
President  
MXI, Inc.  
297 Zimmerman Lane  
Langhorne, PA 19047

Ref. No. 09-0169R

Dear Mr. Kerchner:

Recently, our Office issued several letters, including our August 28, 2009 letter (Ref. No. 09-0169) responding to your request, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transport of used or spent dry cell batteries. This letter supersedes the response given in our August 28, 2009 letter.

After further consideration and analysis of dry battery chemistries and sizes and based on information available to us, it is the opinion of this Office that used or spent dry, sealed batteries of both non-rechargeable and rechargeable designs, described as "Batteries, dry, sealed, n.o.s." in the Hazardous Materials Table in § 172.101 of the HMR and not specifically covered by another proper shipping name, with a marked rating up to 9-volt are not likely to generate a dangerous quantity of heat, short circuit, or create sparks in transportation. Therefore, used or spent batteries of the type "Batteries, dry, sealed, n.o.s." with a marked rating of 9-volt or less that are combined in the same package and transported by highway or rail for recycling, reconditioning, or disposal are not subject to the HMR. Note that batteries utilizing different chemistries (i.e., those battery chemistries specifically covered by another proper shipping name) as well as dry, sealed batteries with a marked rating greater than 9-volt may not be combined with used or spent batteries of the type "Batteries, dry, sealed, n.o.s." in the same package. Note also, that the clarification provided in this letter does not apply to batteries that have been reconditioned for reuse.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

Charles E. Betts,  
Chief, Standards Development  
Office of Hazardous Materials Standards



Eichenlaub  
§ 172.102 SP130  
§ 173.21  
Batteries  
09-0169

July 15, 2009

Mr. Charles E Betts  
US Department of Transportation  
Chief, Standards Development  
Office of Hazardous Materials Standards  
1200 New Jersey Ave SE  
Washington DC, 20590

Dear Mr. Betts:

I am in receipt of a letter from you dated June 23, 2009 addressed to Mr. Paul Johnson, Director of Environmental Affairs Kindursky Brothers Supply Inc 1314 N. Anaheim Blvd Anaheim CA. In this letter you indicate that "when transported by highway or rail and separated from other types of batteries of different sizes or chemistries, spent 1.5 volt alkaline batteries do not pose an unreasonable risk in transportation and are not subject to the regulation under the HMR.

Maumee Express, Inc. and its sister company MXI Environmental Services LLC conducts and transport Household Waste Collections events for a number of counties in the northeast. Confusion about the application of the HMR regulations has become a concern of both our company and the various counties that we work with. I would like to establish that the provisions of this letter would apply to all parties involved in the collection, transportation and disposal of 1.5 volt alkaline batteries as part of a Household Hazardous Waste collection event.

Can you please confirm that the provisions of this letter would apply to Household Hazardous Waste collection events.

Sincerely,

A handwritten signature in black ink that reads "Ron Potter". The signature is written in a cursive style with a large initial "R".

Ronald S. Potter  
President  
MXI

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[www.mxiinc.com](http://www.mxiinc.com)

297 Zimmerman Lane, Langhorne, PA 19047 ■ Phone: 267-590-0043 ■ Fax: 267-590-0051