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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 2 5 2009

Mr. Tom Vallone
GM Technical Center
30200 Mound Road
Warren, MI 48090-9010
Mail Code: 480-111-W73

Ref. No. 09-0193

Dear Mr. Vallone:

This responds to your August 25, 2009 letter requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of spent dry, rechargeable nickel-cadmium batteries. Specifically, you ask whether Special Provision 130 in § 172.102(c)(1) applies to the transportation of spent, dry, rechargeable nickel-cadmium batteries.

In your letter, you reference letters issued by this Office on June 23, 2009 (Ref. No. 09-0090) and August 13, 2008 (Ref. No. 09-0150) in which we addressed the applicability of the HMR to the transportation of various types and sizes of used or spent dry cell batteries. In letter Ref. No. 09-0090, we stated that, based on the test data provided, spent 1.5-volt alkaline dry cell batteries are not subject to regulation under the HMR when transported by highway or rail because they are not likely to generate a dangerous quantity of heat nor are they likely to short circuit or create sparks when they are transported in a packaging with no other battery types or chemistries present. Similarly, in letter Ref. No. 09-0150, we stated that, based on the test data provided, used 6-volt zinc carbon batteries and 9-volt alkaline batteries are not subject to regulation under the HMR when transported by highway or rail because they are not likely to generate a dangerous quantity of heat nor are they likely to short circuit or create sparks when transported in a packaging with no other battery chemistries present. You ask if spent, dry, rechargeable nickel-cadmium batteries of the same shape, size, and voltage as the batteries discussed in our previous letters would also not be subject to regulation under the HMR.

The answer is yes. After further consideration and analysis of the battery chemistries and sizes in question 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 answers your inquiry. If you need further assistance, do not hesitate to contact this Office.

Sincerely,

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

Boothe
§173.21
§171.1
§172.101
Applicability
09-0193

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, August 25, 2009 4:21 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Shipment of spent rechargeable batteries

From: tom.vallone@gm.com [mailto:tom.vallone@gm.com]
Sent: Tuesday, August 25, 2009 2:57 PM
To: INFOCNTR (PHMSA)
Subject: Shipment of spent rechargeable batteries

The PHMSA Interpretation #09-0090 and #09-0150 very clearly states that spent 1.5 volt and 9 volt alkaline batteries are not regulated by the HMR. However, what is not mentioned in any of the interpretations that I could find, was any discussion of rechargeable nickel cadmium batteries of the same voltage and configuration. With the same shape, size and voltage, I would expect that these spent, dry, rechargeable nickel cadmium batteries would also not be subject to Special Provision 130. Can you please provide a written response to this issue? Thanks in advance for your assistance

Tom Vallone

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

Confidentiality Note: This message is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited and may be unlawful. If you received this message in error, please contact the sender and delete it from your computer.