



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

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

NOV 25 2009

Mr. Donald Sugerman  
2998 Geddes Avenue  
Ann Arbor, MI 48104-2725

Ref. No.: 09-0225

Dear Mr. Sugerman:

This responds to your letter dated September 30, 2009, regarding the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), as they apply to the transportation of alkaline dry cell batteries collected and shipped for recycling. Specifically, you ask whether alkaline dry cell batteries collected from households for recycling must be transported in accordance with the HMR.

The HMR govern the safe transportation of hazardous materials in commerce. A state agency, such as a county recycling program collecting spent batteries, or local jurisdiction that transports hazardous materials for governmental purposes using its own personnel is not engaged in transportation in commerce and, therefore, is not subject to the HMR. However, if the state agency or local jurisdiction transports hazardous materials for a commercial purpose, utilizes contract personnel to transport the materials, or offers a hazardous material for transportation to a commercial carrier, then the HMR apply.

The HMR prohibit the transportation of electrical devices that are likely to create sparks or generate a dangerous quantity of heat, unless the devices are packaged in a manner that precludes such an occurrence. However, certain dry, sealed batteries are not subject to the prohibition and are excepted from full regulation under the HMR when they are securely packaged and offered for transportation in a manner that prevents a dangerous evolution of heat and protects against short circuits in conformance with § 172.102(c)(1), Special Provision 130.

Additionally, on June 23, 2009, our Office issued several letters of interpretation stating that based on test data provided, spent 1.5-volt alkaline dry cell batteries are not subject to the provisions for secure packaging and prevention of a dangerous evolution of heat and protection against short circuit 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.

After further consideration and analysis of dry, sealed 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.

We welcome feedback from private citizens and the hazmat safety community on ways to improve transportation safety. Questions or concerns may be directed to the Hazardous Materials Information Center at 1-800-HMR-4922 or 1-800-467-4922. You may also access the U.S. Department of Transportation, Office of Pipeline and Hazardous Materials Safety Administration's (PHMSA) website at <http://www.phmsa.dot.gov/hazmat>.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



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

2998 Geddes Avenue  
Ann Arbor, MI 48104-2725

Engrum  
§ 173.159  
§ 173.185(h)  
Batteries  
09-0225

September 30, 2009

Pipeline and Hazardous  
Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Ave SE  
Washington DC 20590-0001

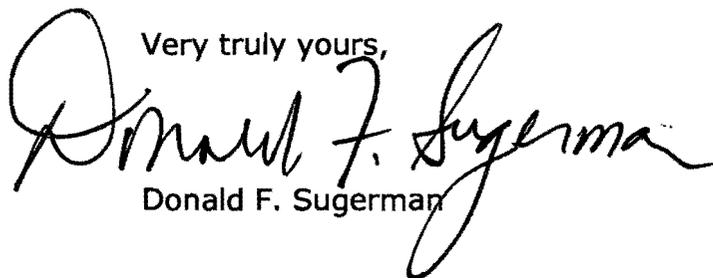
Re: Disposal/Household Batteries:

Dear PHMSA:

This past summer, after accumulating well over a hundred batteries (hearing aid, AAA, AA, C and D), I put them in a labeled container and placed them outside my house for recycling – as I have often done over the years. They were not accepted and a pre-printed note was left stating that each end of each battery had to be taped and then put into a sealed plastic packet. I was surprised and went to the EPA's website to find out what was going on. While I did not get an immediate answer, I noted that batteries like the type I use, can be put in the regular waste and do not have to be recycled. I do not want to do this, but I do not want to tape each battery either. I finally heard from EPA and was told that taping was a regulation promulgated by the US Department of Transportation. Thus, this letter.

My questions to you are: If most people continue to simply throw their batteries away (as I suspect they do), and those who recycle stop doing so, isn't the regulation counter-productive? If batteries cause fires when transported in bulk, will not this problem simply be transferred to the regular waste collection vehicles? While I know that fires are serious matters, I wonder about the number of confirmed fires that led to the regulation and whether it was found that household batteries caused them? If they did not, might the regulation be extreme? I hope you will respond fairly soon. Thanks.

Very truly yours,



Donald F. Sugerman