



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

OCT 18 2011

Mr. Jim La Port
AT&T
1670 Axtell
Troy, MI 48084

Ref. No.: 11-0213

Dear Mr. La Port:

This responds to your September 1, 2011 request for clarification on the shipment of electric storage batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if electric storage batteries that also meet the definition of a hazardous substance (e.g. sulfuric acid) may continue to utilize the exception in § 173.159(e) without regard to the additional requirements applicable to hazardous substances provided the batteries otherwise conform to the requirements in § 173.159(e)(1) – (e)(4).

The answer is yes. When transported by highway or rail, electric storage batteries containing electrolyte or corrosive battery fluid are not subject to any other requirements of the HMR, if all of the requirements of § 173.159(e)(1) through (e)(4) are met.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is fluid and cursive.

Ben Supko
Acting Chief, Standards Development
Standards and Rulemaking Division

Leary
§173.159(e)

Drakeford, Carolyn (PHMSA)

From: McIntyre, Joan (PHMSA)
Sent: Friday, September 02, 2011 8:27 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Foster, Glenn (PHMSA)
Subject: Question for interp log in.

Batteries
11-0213

-----Original Message-----

From: LA PORTE, JAMES J [<mailto:jl17454@att.com>]
Sent: Thursday, September 01, 2011 3:25 PM
To: McIntyre, Joan (PHMSA)
Subject: Re: Another Question

Joan,
Here is an another question.

Electric storage batteries containing electrolyte or corrosive battery fluid are excepted from the HMR when transported in accordance with the provisions specified in § 173.159(e). The exception in § 173.159(e) is applicable to Electric storage batteries containing electrolyte or corrosive battery fluid and does not differentiate between spillable and non-spillable lead acid batteries. The condition specified in § 173.159(e)(1) states that no other hazardous materials may be transported on the same vehicle. For the purposes of this exception, spillable and non-spillable batteries are both considered Electric storage batteries containing electrolyte or corrosive battery fluid. Therefore, provided no other hazardous materials are loaded in the transport vehicle with the spillable and non-spillable electric storage batteries and all the requirements of §§ 173.159 and 173.159a are met, the electric storage batteries would be excepted from the HMR.

With this exception in mind, if a electric battery were to be shipped and the package met or exceeded the RQ for sulfuric acid the package would be regulated and be have to transported as a hazardous substance even though the above exception exists.

As noted, the determination for a single package even if palletized. See DOT interpretation (<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnnextoid=eff2c0515d544110VgnVCM1000009ed07898RCRD>)

Please advise.

Jim La Porte

