



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

**OCT 25 2012**

Mr. Steve Delmar  
Director of Environmental Health and Safety  
Concorde Battery  
2009 San Bernadino Rd  
West Covina, CA 91790

Reference No.: 12-0180

Dear Mr. Delmar:

This is in response to your August 12, 2012 letter requesting clarification on marking requirements for non-spillable batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You present a scenario where non-spillable batteries are marked "NONSPILLABLE" or "NONSPILLABLE BATTERY" both on the battery itself and its outer packaging in accordance with the packaging exception provided in § 173.159a(c)(2). The batteries are then palletized, and in the process of creating this palletized load the "NONSPILLABLE" marking is covered up with corrugated sheeting and/or stretch wrap. You ask if the outer pallet wrapping material must also be marked "NONSPILLABLE."

The answer is no. In the scenario you describe, your properly marked and packaged non-spillable batteries are then consolidated on a skid using corrugated sheeting and/or stretch wrap. There is no requirement in the HMR to carry the "NONSPILLABLE" marking over to the outside of the corrugated sheeting or stretch wrap.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division



Webb  
§ 173.159  
Batteries  
Concorde Battery Corporation 12-0180

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: Information Center  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

Monday, August 13, 2012

Dear Sir/Madam,

The purpose of this letter is to request clarification of marking requirements for Non-spillable batteries under 49 CFR §173.159a(c)(2).

The regulation requires the battery and outer packaging to be plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY". Based on the definition of outer packaging, we interpret this to mean that only the outer carton housing each individual battery be clearly and durably marked.

If the shipper chooses to palletize multiple Non-spillable batteries for shipment and cover up the "NONSPILLABLE" marking on each individual carton with large corrugated sheeting and/or stretch wrap, does this outer pallet wrapping material also need to be marked "NONSPILLABLE"?

Please see attached example photograph which shows a pallet of Non-spillable batteries covered with corrugated sheeting for additional protection during shipment.

Sincerely,

Steve Delmar  
Director of Environmental Health & Safety  
Concorde Battery  
2009 San Bernadino Road  
West Covina, CA 91790  
(626) 813-1234 ext. 252



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