



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JAN 24 2013

Mr. Marc Covens
Vasco Data Security NV
Assesteenweg 291
Mollem 1730
Belgium

Ref. No.: 12-0261

Dear Mr. Covens:

This is in response to your November 19, 2012 email, and subsequent phone conversation with a member of my staff, requesting clarification of the requirements for shipping UN 3091 lithium metal batteries contained in equipment under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), the International Maritime Dangerous Goods (IMDG) Code, and the International Air Transport Association Dangerous Goods Regulations (IATA DGR). Specifically you provide details about your shipments and ask if these shipments could be considered general cargo without any battery handling label attached or with an accompanying special handling declaration under IATA DGR, the IMDG Code, and the HMR.

Your email states your product consists of equipment powered by up to three lithium metal button cell batteries, per device. You state the average amount of lithium per cell is .07 g with a maximum of .51 g with energy per cell maximum of 1.83 Wh. The total net weight of battery cells per package you state is 3.3 kg. You indicated by phone that all batteries are of a type proved to meet the requirements of each test in the United Nations Manual of Tests and Criteria, Part III sub-section 38.3 and that your packages meet the general packaging requirements for excepted batteries found in the IATA DGR and the IMDG Code.

The HMR incorporate by reference the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods (ICAO TI), and does not reference the IATA DGR. The ICAO TI requirements for shipments of lithium metal batteries contained in equipment are found in packing instruction 970. Section II of packing instruction 970 states that lithium metal cells and batteries contained in equipment offered for transport are not subject to other additional requirements of the ICAO TI if they meet the requirements of section II of packing instruction 970. The data you provided about your products indicates your shipments of equipment containing lithium metal batteries appear to meet the requirements of section II of packing instruction 970 of the ICAO TI, and would be eligible for the exceptions provided and could be offered as general cargo. The ICAO TI provides an exception for equipment containing four or less cells or two or less batteries

from the requirement to label packages with a battery handling label and accompanying documentation.

The IMDG Code exceptions for lithium batteries contained in equipment are found in special provision 188. Lithium cells and batteries are not subject to other provision of the IMDG Code if they meet all of the requirements in special provision 188. Based on the information you provided it appears your lithium metal batteries contained in equipment qualify for the exception provided in special provision 188, including exception from the requirements for a battery handling label and accompanying documentation.

Lithium batteries contained in equipment in the HMR are assigned special provision 188. Special provision 188 provides exceptions for small lithium batteries and cells. Based on the information you provided it appears your lithium batteries contained in equipment appear to qualify for the exceptions provided in special provision 188 in the HMR, including exception from the requirements for a battery handling label and accompanying documentation.

Based on the information provided it appears that your lithium metal batteries contained in equipment qualify to take the exceptions provided in the ICAO TI, IMDG Code, and the HMR and may be transported as general cargo without a lithium battery handling label or accompanying special handling documentation.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Webb
\$173.185
\$172.101

From: INFOCNTR (PHMSA)
Sent: Monday, November 19, 2012 10:23 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

Batteries
12-0261

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,
Victoria

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

From: PHMSA Webmaster
Sent: Sunday, November 18, 2012 5:14 AM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

request for formal guidance

We have discussed recently the IATA and IMDG regulations .

please find herewith my findings for air and sea freight :

General information :

- Un 3091 / Metal Lithium Cells contained in equipment. (So called Button Cells)
- 1, 2 or 3 Battery cells per device
- The average amount of Lithium per Cell is 0.07 gr. with a maximum of 0.51 gr.
- The total net weight of battery cells per package is maximum 3.3 Kgs
- The energy per cell is max 1.83 W/h.

Airfreight : (DGR 2013, handbook ordered – IATA guidelines attached))

- Relates to Section II Packing Instructions 970

- Exception :

E. When is a lithium battery handling label not required?

A lithium battery handling label is not required for packages prepared in accordance with Section I of Packing Instructions 965-970 (i.e. bearing a Class 9 label) or when a package contains not more than 4 cells or 2 batteries installed in equipment prepared in accordance with Section II of Packing Instructions 967 and 970. This applies to UN

3481 Lithium ion batteries contained in equipment (See Section II of Packing Instruction 967) and UN3091 Lithium metal batteries contained in equipment (see Section II of Packing Instruction 970), except that button cells installed in equipment (including circuit boards) need not be considered. As these packages do not require a lithium battery handling label, the accompanying document mentioned in the "Additional Requirements" of Section II of Packing Instructions 967 and 970 is not required.

see 1st attachment

Based on above our shipments should be considered as general cargo, without any battery label to be attached, nor with an accompanying declaration.

Seafreight : Edition 2010

- Relates to : Section II packing 903 (2nd attachment)

-Special provision 188 (3rd attachment) Cells and batteries offered for transport are not subject to other provisions of this Code if they meet the following:

- .1 For a lithium metal or lithium alloy cell, the lithium content is not more than 1 g, and for a lithium ion cell, the Watt hour rating is not more than 20 Wh;
- .2 For a lithium metal or lithium alloy battery, the aggregate lithium content is not more than 2 g, and for a lithium ion battery, the Watt hour rating is not more than 100 Wh. Lithium ion batteries subject to this provision shall be marked with the Watt hour rating on the outside case, except those manufactured before 1 January 2009;
- .3 Each cell or battery is of the type proved to meet the requirements of each test in the United Nations Manual of Tests and Criteria, Part III, sub section 38.3;
- .4 Cells and batteries, except when installed in equipment, shall be packed in inner packagings that completely enclose the cell or battery. Cells and batteries shall be protected so as to prevent short circuits. This includes protection against contact with conductive materials within the same packaging that could lead to a short circuit. The inner packagings shall be packed in strong outer packagings which conform to the provisions of 4.1.1.1, 4.1.1.2, and 4.1.1.5.
- .5 Cells and batteries when installed in equipment shall be protected from damage and short circuit, and the equipment shall be equipped with an effective means of preventing accidental activation. When batteries are installed in equipment, the equipment shall be packed in strong outer packagings constructed of suitable material of adequate strength and design in relation to the packagings capacity and its intended use unless the battery is afforded equivalent protection by the equipment in which it is contained.
- .6 Except for packages containing button cell batteries installed in equipment (including circuit boards), or no more than four cells installed in equipment or no more than two batteries installed in equipment, each package shall be marked with the following:

Based on above our shipments should be considered as general cargo, without any battery label to be attached, nor with an accompanying declaration.

I have also been checking (CFR49) the situation for shipments to/from, within and via the USA.
but I cannot come to a final conclusion due to the complexity

can you help and advise if our devices can be send as harmless (general) cargo or if we still have to label, mark, certify etc our shipments.

actually we do so, but I am not convinced that we should continue to do so.
if yes, there is a different approach between IATA and DOT.

Or will there be a new publication for 2013 in line with decisions of IATA.

HELP

Name: Marc Covens
Organization: Vasco Data Security NV
Email: mco@vasco.com
Address: Assesteenweg 291
City: Mollem
Zip Code: 1730
Phone: +32(0)26099813
Country: Belgium