



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

FEB 8 2005

Mr. T.L. Nebrich
Technical Director
Waste Technology Services Inc.
435 North 2nd Street
Lewiston, NY 14092

Ref. No.:05-0017

Dear Mr. Nebrich:

This is in response to your January 11, 2005 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the packaging of batteries. Section 173.159(c)(1) authorizes a packaging that would consist of batteries firmly secured to a pallet. Specifically, you ask if this packaging should be treated as either a bulk or non-bulk package and how the package should be marked, labeled, and/or placarded.

For the purposes of marking, labeling, and placarding, a shipment of electric storage batteries secured to a pallet in accordance with § 173.159(c)(1) is considered to be a single non-bulk package. The completed package must be marked in accordance with § 172.301 and labeled in accordance with § 172.400. The palletized batteries should be marked and labeled as a non-bulk package even if the completed package weighs more than 400 kg (882 pounds).

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Hattie Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



050017

171.8
173.159(c)(1)



WASTE TECHNOLOGY SERVICES INC.

Satterthwaite
§171.8
§173.159(c)(1)
Definition/Batteries
05-0017

January 11, 2005

Mr. Edward Mazzullo
Director of Office of Hazardous Material Standards
US Department of Transportation – RSPA (DHM – 10)
400 Seventh Street, S.W.
Washington, DC 20590-0001

Dear Mr. Mazzullo:

I am writing to request an interpretation regarding the packaging requirement for batteries shipped according to the provisions in 49 CFR 173.159 (c) (1). According to Mr. Delmer Billings letter to Mr. Paul Martin of Advanced Environmental Technical Services, dated June 10, 1996 (attached), batteries shipped under the provisions of 49 CFR 173.159 (c) (1) can be shipped as one package. However, there is no mention of whether these batteries (shipped as one package) would be considered a bulk or non-bulk package for marking, labeling and/or placarding.

Would this package be a bulk or non-bulk package and how would that be determined based on the **“bulk packaging”** definition in 49 CFR 171.8? Either way what are the marking, labeling and/or placarding requirements?

If you have any further questions, please do not hesitate to contact me.

Very truly yours,
WASTE TECHNOLOGY SERVICES, INC.

T.L. Nebrich, Jr., CHMM, QEP, REM
Technical Director

TLN/tln

Corporate Office: 435 North 2nd Street, Lewiston, NY 14092

Telephone: 716-282-4100 • Fax: 716-282-6986

5 Forest Park Drive • Farmington, CT 06032 • Telephone (860) 677-1146 • Fax (860) 677-4979
2025 E. Main Street, Suite 101 • Richmond, VA 23223 • Telephone (804) 649-0700 • Fax (804) 649-2360
7 Willowdale Court • Amesbury, MA 01913 • Telephone (978) 388-7877 • Fax (978) 388-8688

www.watsonline.com



U.S. Department
of Transportation

Research and
Special Programs
Administration

JUN 10 1996

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Paul W. Martin
Environmental Manager
Advanced Environmental Technical Services
2600 Delk Road, Suite 100
Marietta, GA 30067-8835

Dear Mr. Martin:

This is in response to your letter of April 16, 1996, requesting clarification on the packaging requirements for batteries under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically you ask whether a palletized load of batteries shipped under the provisions of 49 CFR 173.159(c)(1) is considered to be one package or whether each battery on the pallet would be considered a separate package.

Section 173.159(c)(1) allows electric storage batteries that are protected against short circuits to be transported in a non-specification packaging (e.g., firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation and meeting certain other conditions). Such a configuration is considered one package; each battery need not be considered a package. Except as discussed for batteries, you are correct in your understanding that generally when packages are shrinkwrapped to a pallet the shrinkwrap is an overpack. Each individual package in an overpack must be in full compliance with the HMR, including marking and labeling.

I hope this information is helpful.

Sincerely,

Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials
Standards

7989
AP 1 of 1