



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

JUL 20 2007

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

Mr. Jack Peters
HAZ-MAT Transportation Services
P.O. Box 69206
Seattle, WA 98168

Ref. No.: 07-0138

Dear Mr. Peters:

This is in response to your July 9, 2007 letter regarding packaging requirements for batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if it is permissible to transport "Batteries, wet, filled with acid, 8, UN 2794, PG III," "Battery fluid, acid, 8, UN 2796, PG II," and batteries that have yet to be filled with acid on the same palette.

The answer is yes. Wet electric storage batteries that are packaged in accordance with § 173.159(c)(1) may be placed inside a larger package or affixed to a palette that also contains other compatible hazardous and non-hazardous materials. This shipping configuration is referred to as an overpack, as defined in § 171.8. It requires the battery to be packaged in accordance with § 173.159(c)(1), the battery acid in accordance with § 173.159(g), and the overpack in accordance with the requirements specified in § 173.25. The overpack must be marked and labeled for each hazardous material contained therein unless markings and labels representative of each hazardous material in the overpack are visible.

You should also be aware that when packaged and overpacked as described in your letter, the exception in § 173.159(e) does not apply to electric storage batteries. 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 condition specified in § 173.159(e)(1) states that no other hazardous materials may be transported on the same vehicle. Therefore, with the exception of the batteries, no hazardous materials, including corrosive battery fluid, may be transported on the vehicle.

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

Sincerely,

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



070138

173.159(e)
173.25

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Monday, July 09, 2007 2:13 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Information Center Comments/Questions

*Pollack
\$173.159(e)
Batteries
07-0138*

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

From: jlpeters1@juno.com [mailto:jlpeters1@juno.com]
Sent: Monday, July 09, 2007 10:23 AM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Wants a written letter of interp.

Completed via phone 7/9 by RB @ 2:12 pm

Below is the result of your feedback form. It was submitted by Jack Peters (jlpeters1@juno.com) on Monday, July 9, 2007 at 10:22:38.

Email: jlpeters1@juno.com

Name: Jack Peters

Category: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 - 173.476)

Organization: HAZ-MAT Transportation Services

Street: P. O. Box 69206

City: Seattle,

State: Washington

Zip Code: 98168

Phone: 253-219-0907 Cell

Fax: 253-840-2085 (Call first)

Comments: Mr. Edward T. Mazzullo July 9, 2007
Director, Office of Hazardous Materials Standards U. S. DOT/PHMSA (PHH-10) 1200 New Jersey Avenue, SE East Building, 2nd Floor

Jack Peters
HAZ-MAT Transportation Services
P. O. Box 69206
Seattle, WA 98168

Mr. Mazzullo,

This question has to do with 173.159 (c) (1) and 173.159 (g).

A client of mine receives wet batteries prepared in accordance with 173.159 (c) (1). The company who ships those batteries have been placing dry batteries with acid packs prepared in accordance with 173.159 (g) on the same pallet (package) with the wet batteries.

These are 2 different packages and I am not aware that you can take one properly prepared package (battery and acid pack) and placed it in another package (batteries on pallet).

The regulations, from my point of view doew not allow for this as each one is a separate package.

When prepared in accordance with 173.159 (c) (1), does that packaging method permit other properly packaged hazardous materials per 173.159 (g) to be placed in the same package? The first method is a package and not an overpack and the second is a separate package.

Additionally, they are not marking the pallet (batteries and dry batteries/acid pack) with the proper shipping name and UN number for the battery acid (2796).

Shipping documents are correct and identify both batteries and battery acid.

Thank you for your consideration in this matter. I can ba reached at 253-219-0907 Pacific Time Zone.

Jack Peters
HAZ-MAT Transportation Services