



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

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Ref. No. 99-0258

Ms. Angela Flynn  
Express Transport by Air Inc.  
2530 Polk Street  
Union, NJ 07083

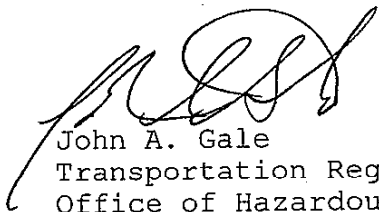
Dear Ms. Flynn:

This is in response to your letter dated September 8, 1999, regarding clarification on the marking requirements for non-spillable batteries contained in equipment under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the outer packaging containing both the battery and equipment must be marked "NON-SPILLABLE" or "NON-SPILLABLE BATTERY."

Section 173.159(d)(2) requires each non-spillable battery and its outer packaging to be plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY" if the battery was manufactured after September 30, 1995. If a product contains a nonspillable battery and is placed in an outer packaging (e.g., fiberboard box), the battery and the outer packaging must be marked either "NONSPILLABLE" or "NONSPILLABLE BATTERY."

I hope this satisfies your inquiry.

Sincerely,



John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards



990258

173.159



# EXPRESS TRANSPORT BY AIR INC.

 (HI TECH FORWARDER NETWORK)

Air, Ocean, Customs Brokerage, Warehousing & Distribution • 3rd Party Logistics

September 08, 1999

BAH  
\$173.159  
99-0258

Attention: D.O.T. Haz. Mat. Information Center

From: Angela Flynn

Kindly provide me with written clarification of the following question:

My client is shipping a balloon pump which contains non-spillable type batteries (which are an integral part of and necessary for the operation of this mechanical equipment).

According to Section 173.159 (d)- A non-spillable wet electric storage battery is Excepted from all other requirements of the subchapter under the listed conditions:

\*Please note: (2) For batteries manufactured after September 30, 1995, the battery and the out packaging must be plainly and durably marked "non spillable" or nonspillable battery".

The batteries meet all criteria stipulated....., however, our question is since the batteries are part of the equipment and contained within the equipment, does the outside of the box which houses the mechanical equipment need to be marked "nonspillable battery".

We have received two different answers to this question..... one being that the box must be marked only if they contain the batteries themselves and not if they are inside the mechanical device. The other answer was that the outer packaging must be marked regardless. Kindly clarify if the cartons must be marked with the words Non Spillable".

I have reviewed section 173.159 D but I could not see where it makes mention of this.

Your prompt assistance to this inquire would be greatly appreciated.

Very truly yours,

Angela Flynn