



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

Mr. Rich Kovaleski
Greif
2225 Greif Road
Zanesville, OH 43701

Reference No.: 06-0036

Dear Mr. Kovaleski:

This responds to your letter concerning the transportation of waste batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You describe the following scenario:

Your client wants Greif to build a bulk container for the transportation of Universal Waste Batteries. Currently, the waste batteries are transported in a 36" x 36" x 36" non-specification container with a poly liner. The container is marked "Batteries, dry, containing potassium hydroxide solid, 8, UN3028, PGIII" and "Batteries wet, nonspillable, 8, UN2800, PGIII." The filled container weighs approximately 3,200 lbs. and is banded to a wooden pallet. Your questions are paraphrased and answered as follows:

Q1. Are Universal Waste Batteries subject to the HMR?

A1. Universal Waste Batteries are subject to the HMR if they meet the criteria of a hazardous material. In accordance with § 173.22, it is the shipper's responsibility to properly classify a hazardous material and assign it a proper shipping name from the Hazardous Materials Table (HMT). The proper shipping names "Batteries, dry, containing potassium hydroxide, solid, UN3028" and "Batteries wet, nonspillable, UN2800," describe batteries that are subject to the HMR.

Q2. What packagings are authorized for Universal Waste Batteries?

A2. "Waste, Batteries, dry, containing potassium hydroxide, solid, UN3028," must be packaged in a specification packaging authorized in § 173.213. This section authorizes non-bulk combination as well as single packagings; bulk packagings are not authorized. "Waste, Batteries, wet, nonspillable, UN2800," must be packaged in accordance with § 173.159. This section authorizes specification and non-specification packagings.



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173.22
173.213
173.159

Section 173.159(d) excepts nonspillable wet electric storage batteries from all other requirements of the HMR, including specification packaging, if the limitations in paragraphs (d)(1), (2), (3) and (4) are met.

I trust this satisfies your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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

Corbin:PHH:03/10/06:ad

GREIF

Corbin

\$172.101

\$173.213

Batteries

06-0036

To: Don Burger
From: Rich Kovaleski (rich.kovaleski@greif.com)
Date: 2-8-06

Re: Universal Waste Batteries

We have a potential customer in Ohio that collects waste batteries. The waste batteries are comprised of old rechargeable type batteries from power tools, cell phones etc.

These waste batteries are placed into a UN non specification (off the shelf) 36" x 36" x 36" O.D. bulk container with a poly liner and banded to a wooden pallet. The filled bulk container can weigh as much as 3200 lbs.

This bulk container is labeled Universal Waste – Batteries and printed batteries dry, containing potassium hydroxide solid, 8, UN3028, PG III or batteries wet, non-spillable, 8, UN 2800, PG III.

These bulk containers are shipped via common carrier to their sister company in Anaheim, CA.

This potential customer wants Greif to design a custom package to replace the (off the shelf) box they are now using.

My question are these Universal Waste Batteries considered a hazardous material? If, so our custom bulk container would have to be UN tested and certified.

I looked up both of these battery types in the 49 CFR and both are classified in packing group III.

UN2800 is shippable in bulk or non-bulk packages.

173.159

UN3028 are shippable only in non-bulk containers. Does this mean that these batteries cannot be shipped in bulk containers?

I would appreciate a written response to these questions. Thanks for your help with this project.