Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Products Containing Lithium Ion Batteries

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a May 9th interpretive letter the application of the Hazardous Materials Regulations ("HMR") applicable to products containing lithium ion batteries.

PHMSA was responding to a January 4th email from Petra Industries, LLC ("Petra") which was trying to establish a clearer distinction between UN3480, Lithium ion batteries, and UN3481, Lithium ion batteries contained in equipment.

Possible potential conflicts between Petra customers and manufacturers were cited as a concern because:

. . . many consumer electronic devices now include power bank functionality as an additional feature.

A previous PHMSA letter of interpretation (No. 16-0125) is cited by Petra which is stated to clarify that:

. . . a power bank with additional electronic accessories should be described as "UN3480, Lithium ion batteries" if used to supply electric power to separate equipment.

Petra also listed a number of lithium battery powered products that can also charge external devices and asked which should be described as UN3480, Lithium ion batteries or UN3481, Lithium ion batteries contained in equipment.

PHMSA responds in its May 9th letter with a reminder that pursuant to 49 § 173.22 of the HMR that it is the shipper's responsibility to properly classify and describe a hazardous material. However, it noted that in determining whether an individual device should be described as UN3480, Lithium ion batteries or UN3481, Lithium ion batteries contained in equipment, the primary purpose of the device should be considered. As an example, it notes:

. . . if a device primarily functions as a standalone power source for another device it would likely be described as "UN3480, Lithium ion batteries." In contrast, if a device functions primarily for a purpose other than as a power source for another device it would likely be described as "UN3481, Lithium ion batteries contained in equipment."

As a result, PHMSA states that most of the devices identified in Petra's list are UN3481, Lithium ion batteries contained in equipment. A noted exception are earbuds with an integrated USB-C phone

charger. Further, this is also noted to any of the devices on Petra's list where the battery is designed to provide electrical power to another device.

A copy of the January 4th Petra email (referencing various devices) and the May 9th PHMSA letter can be downloaded here.