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Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Lithium Batteries

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The Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in an October 16th interpretive letter the application of the Federal Hazardous Materials Regulations ("HMR") to lithium batteries. See reference No. 24-0034.

PHMSA was responding to a May 17th request for interpretation from ProteQ.

The question addressed concerned lithium batteries being shipped as "damaged, defective, and recalled (DDR) cells or batteries".

The scenario described lithium batteries that had been processed prior to transportation and no longer had the potential to:

- Be electrically charged.
- Hold any electrical charge or be capable of being charged.
- Be electrically connected to equipment (e.g., electrical plugs have been destroyed).
- Hold electrolyte, flammable, or explosive liquids, or gases.
- Have the operational ability to provide power to equipment.
- Present a dangerous evolution of heat, fire, or be short circuited.

The May 17th request also noted that the batteries had been tested in accordance with the Resource Conservation and Recovery Act ("RCRA") Toxicity Characteristic Leaching Procedure with results showing:

- No flash point below 140 degrees Fahrenheit.
- No TCLP metals detected.

PHMSA in its October 16th response notes §173.22 of the HMR stating that it is the shipper's:

...responsibility to properly class and describe a hazardous material in accordance with Parts 172 and 173 of the HMR.

Nevertheless, PHMSA states that the lithium batteries processed in the manner described would not be considered a battery nor a DDR battery. It further states that a lithium battery or cell is not subject to the HMR if it does not meet the definition of a battery or cell in Section 38.3.2.2 of the UN Manual of Tests and Criteria.

A copy of the October 16th interpretive letter can be downloaded [here](#).

