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

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a January 6th Interpretive Letter clarification of the Hazardous Materials Regulations ("HMR") applicable to the definition of a hazardous waste.

PHMSA was responding to a July 15, 2025, email from NAVSEA NUWC Keyport ("NNK") asking about:

… waste batteries described as "UN2795, Batteries, wet, filled with alkali" that are shipped as universal waste and thus not subject to the Environmental Protection Agency (EPA) hazardous waste manifest requirements.

PHMSA first addresses whether a universal waste, that is not a United States Environmental Protection Agency ("EPA") hazardous waste but is a hazardous material, be transported as hazardous material (as opposed to EPA hazardous waste)?

PHMSA responds in the affirmative, stating that any material that meets the definition of a hazardous material must be transported in accordance with the HMR as a hazardous material, unless otherwise excepted by regulation. It further states in part:

… Universal wastes not subject to EPA's hazardous waste manifest requirements may still be subject to the HMR as a hazardous material if the universal waste meets the definition of a specific hazard class or is listed as a hazardous substance in Appendix A to § 172.101.

PHMSA then addresses whether it is permissible to modify the proper shipping name (PSN) for a hazardous material to include any variant of the phrase "universal waste" (e.g., "UN2795, Batteries, wet, filled with alkali (universal waste)"?

PHMSA responds in the negative, stating that Section 172.101(c)(9) of the HMR requires shippers to place the word "waste" in front of the PSN for a material that is a hazardous waste as defined in § 171.8 (i.e., is subject to EPA manifest requirements), if the hazardous materials description does not already include the word "waste." The rationale is that the HMR do not permit the use of the word "waste" preceding a PSN for a material that is not a hazardous waste as defined in the HMR.

PHMSA then addresses the other questions which include:

- It is correct to mark a package containing batteries, which are considered universal wastes, as a hazardous material using the United Nations (UN) identification number and PSN “UN2795, Batteries, wet, filled with alkali.”
- Outer packaging of a hazardous material shipment can be marked “used batteries” in addition to the hazardous material markings required by the HMR.
- “UN3480, Lithium ion batteries” can be marked and labeled for shipment to a recycling facility and may be transported under the provisions of § 173.185(d), which provides conditions for exception from general requirements for lithium batteries transported for disposal or recycling.
- Whether “UN3480, Lithium ion batteries” be shipped as a hazardous material or as hazardous waste? Would the packaging markings/labels indicate “universal waste” or “waste” in any capacity, or would the package simply be marked to reflect the UN identification number and PSN? (Addressed in first two answers in the Interpretive Letter).

A copy of the Interpretive Letter can be found here.