

# Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Addressing Wet Battery Recycling Issue Question



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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in a September 9th letter the application of the federal Hazardous Materials Regulations (“HRM”) applicable to the transportation of wet batteries filled with acid (“Batteries”). See Reference No. 22-0068.

PHMSA is responding to a June 6th email in which Detroit Scrap Consulting Services (“Detroit Scrap”) posed certain questions.

Detroit had indicated that the Batteries are classified as:

UN2794, Batteries, wet, filled with acid, electric storage, 8

Further, they are stated to be transported for recycling. As a result, Detroit Scrap indicated its belief was that all conditions were met for an exception for further regulations under the HMR as provided in 49 § 173.159(e).

Detroit Scrap first asks for confirmation that the referenced Batteries are eligible for this HMR exception.

PHMSA concurs the exception is applicable if the referenced regulatory conditions are met. However, it states that whether Detroit Scrap is eligible depends on whether the company has actually satisfied all listed conditions. Further, it notes that:

. . . transport of UN2794, Batteries, wet, filled with acid, electric storage, 8 for purposes of recycling is not one of the required conditions.

Detroit Scrap also asks whether it must employ a “hazmat certified” driver if the exception is in place and if there is a need to declare the materials as hazardous on the bill of lading for transportation by rail.

PHMSA answers both questions in the affirmative, stating:

- A shipment of Batteries in these circumstances is not subject to HMR requirements such as shipping papers with the exception of incident reporting requirements in § 171.15
- No commercial driver’s license hazardous materials endorsement is required

PHMSA notes such an endorsement is required when transporting materials required to be placarded according to 49 CFR Part 172 or when transporting certain Select Agents and Toxins.

Finally, Detroit Scrap asks whether the provisions in § 173.159(e) except these Batteries from the requirements of the HMR when they are transported by vessel for recycling.

PHMSA states this exception is only applicable to shipments by highway or rail.

A copy of the September 9th PHMSA letter can be downloaded [here](#).