



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Lithium Ion Cell/Battery State of Charge Requirements

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in an October 1st Interpretive Letter the application of the federal Hazardous Materials Regulations (“HMR”):

...to determine responsibilities for compliance with lithium-ion cell and battery State of Charge (“SOC”) requirements See 172.102 Special Provision A100.

See reference No. 24-0041.

PHMSA was responding to a May 28th letter from the Council on Safe Transportation and Hazardous Articles (“Council”).

The Council asked for confirmation that subsequent offerors of lithium-ion cells and batteries may generally rely on information from the initial offer that the SOC does not exceed 30% of cell or battery’s rated capacity.

PHMSA responds in the affirmative.

Section 171.2(b) is quoted which states:

...each offeror may rely on information provided by another offeror, unless that offeror knows or, a reasonable person acting in the circumstances and exercising reasonable care, would have knowledge that the information provided by the other offeror was incorrect.

Section 171.2(f) is also cited and noted to apply to this scenario because it states:

...carriers that transport hazardous materials may rely on information provided by the offeror of the hazardous material or prior carriers unless the prior carrier knows, or a reasonable person, acting in the circumstances and exercising reasonable care, would have knowledge that the information provided by the offeror or prior carrier is incorrect.

Consequently, PHMSA states that subsequent offerors of lithium-ion cells and batteries may rely on information provided by another offeror – or a previous carrier – unless it is known to the offeror or a

reasonable person acting in the circumstances and exercising reasonable care that the other offeror's or carrier's information is incorrect. However, PHMSA does provide a reminder that whenever a hazardous material has not been shipped in compliance with the HMR, an enforcement proceeding who first caused the transportation of the non-complying shipment may be undertaken.

A copy of the Interpretive Letter can be downloaded [here](#).