



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 2, 2024

Timothy W. Wiseman
Scopelitis, Garvin, Light, Hanson & Feary
10 West Market St
Suite 1400
Indianapolis, IN 46204

Reference No. 24-0050

Dear Mr. Wiseman:

This letter is in response to your May 31, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of damaged and defective lithium batteries.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether all damaged or defective lithium batteries must be transported in accordance with the requirements of § 173.185(f).
- A1. The answer is yes. All damaged or defective lithium batteries that have the potential of producing a dangerous evolution of heat, fire, or short circuit must be transported in accordance with the requirements of § 173.185(f).
- Q2. You ask whether damaged or defective lithium batteries transported for disposal, recycling, or permanent storage may be packaged in accordance with the limited exceptions offered in § 173.185(d)—i.e., without UN performance packaging.
- A2. The answer is no. See answer A1.
- Q3. You ask whether low production run and prototype lithium batteries that have been identified as damaged or defective may be transported in accordance with the packaging requirements in § 173.185(e).

A3. The answer is no. See answer A1.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Eamonn Patrick". The signature is written in a cursive style with a large initial "E" and a stylized "P".

Eamonn Patrick
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division