



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave. SE  
Washington, D.C. 20590

**DEC 14 2010**

Mr. Jeffrey Mansfield  
Mansfield Consultants HK Ltd.  
Unit 601 Bupa Centre  
141 Connaught Road W.  
Hong Kong

Reference No. 09-0296

Dear Mr. Mansfield:

This is in response to your inquiry requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the packaging, marking and labeling of a package containing a dry motorcycle battery, which has not been filled with acid, and a bottle containing lead battery acid. You asked about requirements for transporting the package as a Consumer commodity, ORM-D material and submitted photographs of various packagings, asking which are authorized for transporting consumer commodities. Specifically, you asked whether the Box 4 overpack in your attachment must have a corrosive label displayed and whether the Box 5 overpack must have "Consumer commodity," "ORM-D" and "Overpack" markings displayed.

You do not state the proper shipping name and hazard class of your product in your letter. However, to determine whether your product may be renamed "Consumer commodity" and reclassified as ORM-D, the packaging exception section referenced in Column (8A) of the § 172.101 Hazardous Materials Table (HMT) for the specific material must reference a packaging section that authorizes the shipment to be transported as a Consumer commodity, ORM-D material (such as § 173.154). The product must be packaged for shipment in accordance with the limited quantity provisions for the appropriate packing group in that referenced section. Additionally, the product must meet the definition for consumer commodity in § 171.8 and otherwise meet the provisions in the applicable, referenced exception section in Column (8A) of the HMT. Consumer commodities are excepted from specification packagings, but must be packaged in strong outer packagings.

The Box 4 overpack has the correct markings for Consumer commodity, ORM-D materials provided the markings meet the specifications in § 172.316. Section 172.316 specifies that non-bulk packages containing Consumer commodity, ORM-D materials must be marked on at least one side or end with "ORM-D" immediately following or below the proper shipping name "Consumer commodity." The ORM designation must be placed within a rectangle that is approximately 6.3 mm (0.25 inches) larger on each side than the "ORM-D" marking.

A corrosive label, initial proper shipping name (“Battery acid”) and UN number are not required to be displayed on packagings of materials that have been renamed “Consumer commodity” and reclassified as “ORM-D” (see § 173.154(b)). Note that § 172.316(a)(1) requires packages containing consumer commodities that are prepared for air shipment and packaged in accordance with the provisions of § 173.27 to be marked with “ORM-D-AIR” on the outer packages.

Also applicable to Box 4, “Overpack” is not a required marking when specification packages are not required (see § 173.25(a)(4)). Limited quantity shipments are excepted from specification packagings when packaged in a combination packaging as specified in § 173.154. Section 173.154(b)(1) and (b)(2) limit the net capacity in each inner packaging to a maximum of 1 L (0.3 gal) for Class 8, Packing Group II liquids and 5.0 L (1.3 gallons) for Packing Group III liquids. The inner packages must be packed in strong outer packagings. Provided the limited quantity provisions in § 173.154 are met, the limited quantity package may be overpacked with the dry battery in accordance with the provisions in § 173.25.

The markings on Box 5 are not correct for a shipment of Consumer commodity, ORM-D materials. For this package to be in compliance with the HMR to transport a consumer commodity material, the overpack must be marked with “Consumer commodity, ORM-D” in accordance with § 173.316, as described for Box 4.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster", with a long, sweeping horizontal line extending to the right.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, December 07, 2009 8:31 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: DOT - c/o Edward Mazzullo  
**Attachments:** ExhibitA.pdf

McIntyre  
§ 172.101  
§ 173.154  
Applicability  
09-0296

**From:** Jeffrey Mansfield [mailto:jhcmansfield@gmail.com]  
**Sent:** Monday, December 07, 2009 5:41 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** DOT - c/o Edward Mazzullo

December 7, 2009

Mr. Edward Mazzullo  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, D.C. 20590-0001

Office of Hazardous Materials Standards PHH-10  
1-202 366 8553 Phone  
1-202 366 7435 Fax

Re: Request for interpretation of packaging and labeling requirements for fresh pack lead acid motorcycle battery products.

Dear Mr. Mazzullo,

We are writing you to request a letter of Department of Transportation's (DOT's) interpretation of the packaging and marking requirements of certain lead acid motorcycle battery products classified as Consumer Commodities.

Specifically, we are focused on determining the appropriate markings for packaging a dry motorcycle battery (that has not yet been filled with acid) and a bottle containing battery acid. The battery acid bottle is placed in a box. The dry battery and the acid bottle/box ("fresh pack") are overpacked in a larger box. Please see Exhibit A for photographs and specific labels.

Our question is which box (4 or 5) shown in Exhibit A is appropriately labeled according to DOT requirements?

Box 4 does not have the 4-inch "Corrosive" class 8 label. Does it need this label to meet DOT requirements?

Box 5 does not have a Consumer Commodity "ORM-D" label and does not have an "Overpack" label. Does Box 5 need these two labels along with the 4-inch "Corrosive" class 8 label to meet DOT requirements?

Thank you in advance for your guidance and assistance.

Sincerely,

Jeffrey Mansfield  
Mansfield Consultants HK Ltd.  
email: [jhcmansfield@gmail.com](mailto:jhcmansfield@gmail.com)