



U.S. Department of Transportation

**Pipeline and Hazardous Materials
Safety Administration**

NOV 25 2009

1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Paul D. Johnson
Director of Environmental Affairs
Kinbursky Brothers Supply, Inc.
1314 N. Anaheim Blvd.
Anaheim, CA 92801

Ref. No. 09-0090R

Dear Mr. Johnson:

Recently, our Office issued several letters, including our June 23, 2009 letter (Ref. No. 09-0090) responding to your request, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transport of used or spent dry cell batteries. This letter supersedes the response given in our June 23, 2009 letter.

After further consideration and analysis of dry battery chemistries and sizes and based on information available to us, it is the opinion of this Office that used or spent dry, sealed batteries of both non-rechargeable and rechargeable designs, described as "Batteries, dry, sealed, n.o.s." in the Hazardous Materials Table in § 172.101 of the HMR and not specifically covered by another proper shipping name, with a marked rating up to 9-volt are not likely to generate a dangerous quantity of heat, short circuit, or create sparks in transportation. Therefore, used or spent batteries of the type "Batteries, dry, sealed, n.o.s." with a marked rating of 9-volt or less that are combined in the same package and transported by highway or rail for recycling, reconditioning, or disposal are not subject to the HMR. Note that batteries utilizing different chemistries (i.e., those battery chemistries specifically covered by another proper shipping name) as well as dry, sealed batteries with a marked rating greater than 9-volt may not be combined with used or spent batteries of the type "Batteries, dry, sealed, n.o.s." in the same package. Note also, that the clarification provided in this letter does not apply to batteries that have been reconditioned for reuse.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

Charles E. Betts,
Chief, Standards Development
Office of Hazardous Materials Standards