



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

OCT 18 2013

Mr. Mike Moetsch
Manager DG/HM Transportation & Phytosanitary Measures
Deere & Company WW Supply Management Compliance
3400 80th Street
Moline, IL 61265

Reference No.: 13-0162

Dear Mr. Moetsch

This is in response to your August 6, 2013 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of tow behind agricultural equipment or machinery containing lead acid batteries but not containing an internal combustion engine or electric motor for propulsion or power source. You state that these batteries are required to provide additional power in instances when the power unit does not have sufficient electrical power and also function as a back-up power source to prevent accidental shutdown during operations. Specifically, you ask if this equipment could be classed as "UN3171, Battery-powered equipment" and whether the provisions of § 173.220(c) would apply to this equipment or machinery.

The answer is yes. The entry "UN3171, Battery-powered equipment" applies to the transportation of battery-powered machinery and equipment equipped with a wet battery (including a non-spillable battery), a sodium battery or a lithium battery. Requirements for transporting machinery or equipment containing a wet electric storage battery (e.g., lead acid batteries) are set forth in § 173.220(c). The battery must be securely installed, fastened in an upright position, and protected against short circuits and leakage. When transported by rail, highway, or vessel, shipments conforming to the requirements in § 173.220(c) are not subject to the requirements of the HMR except for those described in § 173.21. When transported by aircraft, shipments conforming to the requirements in § 173.220(c) are excepted from marking, labeling, placarding, and emergency response telephone number requirements as provided in § 173.220(h)(2), however, all other applicable requirements of the HMR apply, including shipping papers and emergency response information, notification of pilot-in-command, general packaging requirements, and the requirements specified in § 173.27.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Wiener
§ 173.220(c)

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, August 06, 2013 4:57 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Formal Letter of Interpretation Requested

Applicability
13-0162

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Moetsch Michael P [<mailto:MoetschMichaelP@JohnDeere.com>]
Sent: Tuesday, August 06, 2013 1:38 PM
To: INFOCNTR (PHMSA)
Cc: Moetsch Michael P; Trumbull Timothy D; Meierotto Connie
Subject: Formal Letter of Interpretation Requested

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration

August 6, 2013

Dear Sir/Madam:

I am requesting a formal Letter of Interpretation of the requirements in the Hazardous Materials Regulations (HMR: 49 CFR Parts 171 – 180).

A formal interpretation is needed to clarify if 173.220 (c) is applicable to tow behind agricultural equipment or machinery where the equipment or machinery includes lead acid batteries but does not have an internal combustion engine or electric motor for propulsion or power source? In addition does this equipment or machinery meet the definition of (battery-powered equipment or machinery) as listed in 173.220 (c)?

The batteries are secured from movement, protected from short circuiting and isolated through a controller to prevent activation when not in use. These batteries are required to provide additional power in instances when the power unit does not have sufficient electrical power and are also a back-up power source to prevent accidental shutdown during operations.

Discussion has taken place with PHMSA Info Center personnel regarding the potential applicability of 173.220 (c). Two Letters of Interpretation 02-0229 and 11-0150 were reviewed for possible clarification. Neither Letter of Interpretation closely resembles our scenario. Both interpretations focus on equipment or machinery with an internal combustion engine or electric motor for propulsion or an internal combustion engine as a power source.

Sincerely,

Mike Moetsch
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