



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

Mr. Glenn Williams
Ingram Micro Inc.
1759 Wehrle Drive
Williamsville, NY 14221

OCT 20 2015

Ref. No. 15-0043

Dear Mr. Williams:

This is a response to your March 4, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to the transportation of lithium batteries under § 173.185(c). Specifically, you request confirmation that electronic manifests corresponding to your shipments are not required to be annotated with the required language in § 173.185(c)(4)(ii), stating the package complies with that paragraph ((c)(4)), or the applicable ICAO Packing Instruction.

In accordance with § 173.185(c)(4)(ii), when an air waybill (AWB) is used, an indication on the air waybill of compliance with paragraph (c)(4) (or the applicable ICAO Packing Instruction) must be included. In your email and conversation with a member of my staff, you state that you use an electronic manifest and not an AWB for shipments of lithium batteries. This document includes information regarding the shipment, such as the number of packages, but does not include an indication of the commodity. Additionally, you state that the electronic manifest contains the information normally found on an AWB (i.e., contractual information between the shipper and carrier).

Although not defined in the HMR, we believe industry practice is for an AWB to include a description of the nature of goods in the shipment. The freight forwarder or air carrier that accepts your shipments are in the best position to inform you of whether an AWB (or information contained within the AWB) is required with your shipment(s). If so, the AWB annotation in § 173.185(c)(4)(ii) is required.

The required annotations (i.e., the marking on the box and the indication on AWB) communicate to the air carrier that the package contains lithium batteries and is in compliance with the HMR without more extensive paperwork. They are both important hazard communications to air carriers. Air carriers cannot manage risks to their aircraft if they cannot identify such risks. I encourage you to inquire with your freight forwarder and/or air carrier to ensure that your shipments are offered in compliance.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

for Dirk Der Kinderen
Acting Chief, Standards Development
Standards and Rulemaking Division



Glenn K. Williams
Hazardous Materials Project Manager

Ingram Micro Inc.
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§173.185(c)(4)(ii)
Applicability
15-0043
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March 4, 2015

Mr. Charles E. Betts
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Subject: Request for Interpretation; 49 CFR 173.185(c)(4)(ii)

Dear Mr. Betts:

Please accept this letter as a request for formal interpretation and applicability of 49 CFR 173.185(c)(4)(ii).

When tendering consignments of lithium batteries to our air carriers Ingram Micro uses an electronic manifest. We do not use an air waybill. It is our understanding since we do not use an air waybill we are not required to annotate the electronic manifest with the required language described in 173.185(c)(4)(ii) "the shipment is in compliance with this paragraph or the applicable ICAO Packing instruction" when packages are required to bear lithium battery handling mark.

Ingram Micro respectfully request a formal written clarification on our understanding regarding the requirement to annotate the electronic manifest with the language required when an air waybill is used. Please contact me via email at glenn.williams@ingrammicro or at 585-746-7471.

Thank you in advance

Sincerely,

Glenn Williams

Glenn Williams
Hazardous Materials Project Manager
Ingram Micro Inc.