



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**JUL 16 2012**

Mr. Grant Haves  
HazMat Compliance Specialist  
Ford Motor Company  
5111 Auto Club Drive  
Dearborn, MI 48126

Reference No.: 12-0114

Dear Mr. Haves:

This is in response to your May 8, 2012 letter requesting guidance as to whether the most recent amendment to the UN Manual of Tests and Criteria (Amendment 1, to the Fifth Revised Edition, 2011) may be applied for the testing of lithium ion batteries.

As you correctly noted, the UN Manual of Tests and Criteria, Fifth Revised Edition, 2009 is currently cited in § 171.7 of the HMR as incorporated by reference (IBR). Section 171.7 also provides that the matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter.

The codification of this amendment into the HMR will be considered in a future harmonization rulemaking. Until that time, Amendment 1, to the Fifth Revised Edition of the UN Manual of Tests and Criteria cannot be applied to the HMR. However, in accordance with 49 CFR Part 107, an application for a special permit may be submitted, requesting permission to follow the requirements of the amendment.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division



5111 Auto Club Drive, Dearborn, MI 48126

Babich  
§ 173.185  
§ 171.7  
Applicability  
12-0114

May 8, 2012

Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
Attn: PHH-10  
U.S. Department of Transportation  
East Building, 1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

**Subject: Letter of Interpretation request for UN Manual of Tests and Criteria, Revision 5, Amendment 1**

I am writing to request a formal letter of interpretation regarding the applicability of the UN Manual of Tests and Criteria, fifth revised edition, amendment 1 for the transportation of Lithium Ion batteries.

In 49 CFR §173.185(a)(1) it states that Lithium batteries must be of a type proven to meet the requirements of each test in the UN Manual of Tests and Criteria (IBR; see §171.7 of this subchapter) and §171.7 shows the following reference:

*"UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, fifth revised edition"*

The UN has published an amendment, Amendment 1, to the Fifth Revised edition in 2011.

Therefore, I am seeking clarification on the applicability of Amendment 1 for the testing of Lithium Ion batteries for transportation. Is a Lithium Ion battery tested to the requirements found in Amendment 1 of the fifth revised edition in compliance with the requirements of 49 CFR for transportation?

Please feel free to contact me if you require additional information. I can be reached by email at [ghaves@ford.com](mailto:ghaves@ford.com) or by phone at (313)845-8762.

Regards,

Grant Haves  
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