



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

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

AUG 13 2009

Mr. George Kerchner  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006

Ref. No.: 09-0150

Dear Mr. Kerchner:

This letter serves as a follow-up to the May 23, 2009 letter you received from this office concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to shipments of spent batteries collected through a county recycling program. You provide additional test data to demonstrate that used 6-volt zinc carbon batteries and 9-volt alkaline batteries contain very little, if any, energy content and that they are not capable of producing a dangerous evolution of heat even when short circuited.

Based on the test data provided with your letter, it is the opinion of this Office that used 6-volt zinc carbon batteries and 9-volt alkaline batteries are not likely to generate a dangerous quantity of heat nor are they likely to short circuit or create sparks when they are transported in a packaging with no other battery chemistries present. Therefore, when transported by highway or rail and separated from other types batteries of different chemistries, used alkaline and zinc carbon batteries do not pose an unreasonable risk in transportation and are not subject to regulation under the HMR.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts".

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