



News Release

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PHMSA ISSUES FINAL RULE RELATED TO LITHIUM BATTERY TEST SUMMARIES – CHEMTREC® OFFERS COMPLIANCE SOLUTION

FALLS CHURCH, VA (July 14, 2020) - As part of its amendment to the Hazardous Materials Regulation (HMR) to maintain alignment with international shipping regulations, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued its long-awaited final rule in May. Here's what that means for those shipping lithium batteries in the United States.

On May 11, PHMSA published in the Federal Register its [final rule](#) related to harmonization with international standards regarding hazardous materials. Included in the rule, which takes effect immediately and is the final rule following PHMSA's proposed rulemaking in 2018, are regulations related to lithium battery test summaries.

As background, the HMR (49 CFR Parts 171-185) requires lithium battery and cell manufacturers "to appropriate [UN design tests](#) to ensure they are classified correctly for transport, and to develop records of successful test completion, called a test report." The topic of lithium battery test summaries was covered in depth on [CHEMTREC's blog](#).

"These test summaries provide traceability and accountability, and must be available to distributors down the supply chain. In most respects, the PHMSA final rule is the same as the 2018 proposal. However, there are a few notable differences from the previous proposed rulemaking," said CHEMTREC Chief Executive, John Modine.

New to the Final Rule

There are a handful of key points in the final rule that differ from both the proposed rule and the current UN Model regulations. However, it's important to remember that PHMSA's rule applies within the United States only, and that the international rule is already in effect (as of Jan. 1, 2020) and also applies to U.S. businesses conducting international shipping.

One of the differences in PHMSA's rule is that test summaries must be provided for batteries manufactured as of January 1, 2008. The UN 38.3 requires test summaries on batteries dating back to 2003.

In making this change to bring the threshold date forward to 2008, PHMSA noted that it listened to submitted comments regarding "the potential difficulty in obtaining test summaries for older

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batteries, particularly in cases where a manufacturer may no longer be in business or has merged with another company.”

Additionally, the final PHMSA rule provides more time to reach compliance, changing the implementation date for this provision from 2020 to 2022. The agency felt the initial efforts required to reach compliance warranted extra opportunities for companies to adequately comply. In providing additional time, PHMSA recognized the substantial work involved for companies to achieve compliance. Therefore, organizations who have delayed actions to reach compliance may have more time to do so, but still face plenty of work ahead.

The Impacts of Meeting PHMSA Compliance

During the voluntary compliance period, manufacturers will have to create test summaries for all previously manufactured lithium cells and batteries that currently lack them, and manufacturers will need to create test summaries for newly manufactured cells and batteries.

PHMSA “estimates that this rulemaking will result in an overall increase in burden attributed to the proposed requirement to create a test summary for lithium cells and batteries manufactured after January 1, 2008.” PHMSA has estimated a total recordkeeping requirement of 4,572.4 hours – a significant burden of manpower for companies.

Reducing the Burden

As lithium battery regulations become more complex, meeting those regulations is becoming more challenging. This means gathering, managing, and making use of necessary information throughout the supply chain will mean a lot more work and cost for companies.

The task of reaching compliance for the lithium battery test summary regulations is significant. To ease the burden of complying with this complex regulation, CHEMTREC offers [CRITERION™](#), a document management system for battery test summaries.

“CRITERION provides a central source to maintain battery test summary reports and can make them available to users upon receiving requests. CRITERION makes it simple for companies to comply with the regulation,” Modine said.

CRITERION’s Key Features and Benefits:

- Securely upload and download test summaries
- Acquire, manage, and distribute thousands of test summaries
- Ability to use a service link that can be added to company websites for easy test summary distribution
- Easily share information between everyone in the supply chain with one central database
- Customized accounts to meet company needs

The test summary rules are already in effect globally, which means the transition period in the PHMSA final rule doesn’t extend a voluntary compliance period for international shippers.



Businesses transporting internationally should already meet the requirements, which is why many are already taking advantage of CRITERION.

Learn how CRITERION's document management system can help support your battery test summary needs at <https://chemtrec.com/criterion>.

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