



December 29, 2017

Angela Shreve
Invisible Fence Brand
10409 Cogdill Rd
Knoxville, TN 37932-4309

RE: Temporary Package Exception for UN3090 Lithium Metal Batteries

Dear Ms. Shreve:

This letter is regarding the Invisible Fence® Brand Power Cap® sample you sent to my office for review.

The sample mailpiece consists of a Herculink® envelope measuring 6.5" in height, 9.5" in length and 0.85" at the widest point. The mailpiece displays an address with an Intelligent Mail package barcode (IMpb). The permit imprint indicates Parcel Select Lightweight as the mail class. There is a return address and the mailpiece displays a Return Service Requested endorsement. There is a vertically aligned DOT-approved lithium battery mark along the left side of the envelope. The text marking "Surface Mail Only. Primary Lithium Batteries-Forbidden for Transportation Aboard Passenger Aircraft" is located 0.25" below the lower border of the IMpb clear zone.

The mailpiece contains one Power Cap containing a single UN3090 Lithium Metal Battery with a lithium content of 0.06 grams. The Power Cap is sealed inside a blisterpack with a perforated cardboard backing. The blisterpack is enclosed inside a foam sleeve measuring 4" in height, 5" in length. The width of the sleeve ranges from 0.25" to 0.825" while containing the Power Cap. There are two 24-point tango solid bleached sulfate double clay coated cards measuring 6.25 x 4.85". The cards were placed on both sides of the Power Cap.

This mailpiece does not meet the physical standards for rigid outer packages containing UN3090 lithium metal batteries. Publication 52, *Hazardous, Restricted and Perishable Mail* (Pub 52), section 349.221.d indicates that lithium metal batteries, mailed without the equipment they're intended to operate (UN3090), must be mailed in a rigid outer package that is sealed and strong enough to prevent crushing of the package or exposure of the contents during normal handling in the mail.

After reviewing a variety of mailpieces used by Invisible Fence sellers, we found a great deal of confusion and inconsistency regarding the mailing requirements for these batteries. The Postal Service is granting Invisible Fence Brand (HQ) a limited 6-month exception that may be used by Invisible Fence franchisees and resellers under the following conditions:

- The use of non-rigid outer packaging will be permitted for a period of six (6) months.
- Non-rigid outer packaging must be of a high strength, tear-resistant material (Tyvek®, Herculink®, or an equivalent).
- Each package must include a minimum of two (2) internal stiffeners placed on both sides of the batteries (i.e. the stiffeners should separate the battery from the wall of the outer package) with the minimum dimension of 8.5 x 5.5 inches and 24-point thickness.
- Batteries must remain in the "clamshell" packaging provided by the manufacturer, and be limited to a maximum of three (3) batteries/mailpiece.
- All mailings must be restricted to ground transportation only, restricting you to Parcel Select Lightweight®, Parcel Select® or USPS Retail Ground® only.
- All mailpieces must bear a DOT-approved lithium battery mark bearing the UN number UN3090 and an emergency telephone number. Additionally, the package must be marked with the statement "Surface Mail Only, Primary Lithium Batteries — Forbidden for Transportation

Aboard Passenger Aircraft” or “Surface Mail Only, Lithium Metal Batteries — Forbidden for Transportation Aboard Passenger Aircraft.”

- USPS will require the use of rigid packaging at the conclusion of the 6-month period.
- Invisible Fence Brand (HQ) must provide a copy of this letter to any franchisee or reseller that would like to use the authorization.
- The mailer must present a copy of this letter at the time of their first mailing at each Postal Service facility.

Mailpieces containing UN3090 lithium metal batteries must be sent by surface transportation only. The mailing of UN3090 lithium metal batteries is **prohibited** in Priority Mail Express®, Priority Mail®, First-Class Mail®, and First-Class Package Service®, and to all International and APO/FPO/DPO destinations.

Detailed packaging requirements for UN3090 lithium metal batteries can be found in Pub 52, Appendix C, Packaging Instruction 9D. Those instructions are as follows:

Mailability

Individual lithium metal (or lithium alloy) batteries (without equipment) are mailable in limited quantities via surface transportation only, provided the batteries are in the originally sealed packaging, and packaged and marked as described in Pub 52, section 349.221.

Primary Receptacle

- Packaging must meet all applicable requirements specified in 49 CFR 173.185. Except for mailpieces containing button cell batteries properly installed in the equipment they are intended to operate, mailpieces containing mailable lithium metal or lithium-ion batteries must be rigid, sealed, and of adequate size, so the lithium battery mark can be affixed to the address side without the mark being folded.
- Packaging must be strong enough to prevent crushing of the package or exposure of the contents during normal handling in the mail.
- The use of padded and poly bags as outer packaging is permitted only when the mailpieces contain button cell batteries meeting the classification criteria in Pub 52, section 349.11d, the batteries are properly installed in the equipment they are intended to operate, and the batteries are afforded adequate protection by that equipment.
- All outer packages must have a complete delivery and return address.

Markings

Lithium metal batteries *not packed with or installed in equipment* (individual batteries):

- Mailpieces must bear a DOT-approved lithium battery mark, as specified in 49 CFR 173.185(c)(i) and Exhibit 325.2a, applied to the address side of the mailpiece.
- The mark must indicate UN3090 for lithium metal cells or batteries.
- The mark must also include a telephone number for those who need to obtain additional information.
- Mailpieces must also include the text “Surface Mail Only, Primary Lithium Batteries — Forbidden for Transportation Aboard Passenger Aircraft” or “Surface Mail Only, Lithium Metal Batteries — Forbidden for Transportation Aboard Passenger Aircraft.”

Quantities

Individual lithium metal batteries mailed *without equipment*:

- Each cell must contain no more than 1.0 gram of lithium content.
- Each battery must contain no more than 2.0 grams aggregate lithium content.
- The mailpiece must not exceed 5 pounds.

My primary concern with properly identifying and placing lithium batteries or other mailable hazardous materials in the mailstream is the safety of our employees, the mailstream, and the public who may come in contact with these mailpieces. Please be advised that full responsibility rests with the mailer

for any violation of Title 18, United States Code, and section 1716, *Injurious Articles as Nonmailable*, which may result from placing nonmailable items in the mail.

If you have any questions concerning the information in this letter, please contact Michelle Lassiter 202-268-2914.

The mailing standards upon which this letter is predicated are available on Postal Explorer at <http://pe.usps.com/>.

Sincerely,

 on behalf of

Lizbeth Dobbins
Manager

CERTIFIED MAIL: 7016 3560 0000 8135 8623

cc: PCSC Manager, New York, NY 10007-2951
PC: MDLassiter, Case No.89293