



U.S. Occupational Safety and Health Administration (OSHA) Position on Lithium ion Batteries as “Articles”



OSHA, Lithium ion Batteries, and Articles

- **Today:** Most lithium ion battery manufacturers consider lithium ion batteries to be “articles” and exempt from OSHA’s Hazard Communication Standard (HCS)
- PRBA member Labelmaster requested in 2014 confirmation of article exemption
- Why???
- **December 2015 OSHA Letter:** Agency does NOT consider lithium ion batteries and products articles
 - Unless subject to another exemption – “consumer products”

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U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



DEC 17 2015

Reply to the attention of:

In considering normal conditions of use and foreseeable emergencies, it is important to consider the potential to leak, spill, or break. As OSHA explained in the 2004 Enfonde letter (see enclosed), lead acid batteries cannot be considered articles because they have the potential to leak, spill, break, and emit hydrogen, which could result in a fire or explosion upon ignition. Similarly, lithium-ion batteries (or lithium battery-powered devices) on a whole, although sealed, have the potential to leak, spill, or break during normal conditions of use and foreseeable emergencies and expose employees to chemicals which can pose health (e.g., lithium cobalt, graphite) and/or physical (e.g., burns, fire) hazards, and therefore, cannot be considered an article. For examples, a manufacturer may have employees, such as maintenance workers, who

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- **Implications:**
 - ✓ Safety Data Sheet for business customers with first shipment
 - ✓ Warning language on product labels (could be CPSC labels visible at point of purchase)
 - ✓ OSHA HCS training for many employees
- PRBA wrote seven-page letter to Agency in June 2016 seeking clarification of Agency position
- Significant interest from international battery associations in Canada, Japan, Europe, Latin America
 - ✓ Organizations wrote to OSHA in June 2016 expressing “deep concern” on Agency’s lithium ion battery position