



Marathon Products, Inc.
627 McCormick Street
San Leandro, CA 94577

January 22, 2009

Dear Marathon Products Customer,

This letter is concerning compliance of certain temperature and humidity monitoring devices marketed by Marathon Products with requirements of the Hazardous Material Regulations (HMR; 49CFR Parts 171-180), particularly with regard to the provisions of Special Provision (SP) 188 of § 172.102(c)(1).

These monitoring devices incorporate small, primary lithium batteries which are in compliance with applicable regulatory standards such as SP 188 and the UN Manual of Tests and Criteria, and the test regimen (electromagnetic compatibility testing, vibration testing, shock testing, and water resistance and submersion testing) to which each type of device has been subjected. The devices incorporating the lithium batteries are used to monitor temperature- and humidity-sensitive products, many of which are pharmaceuticals, and may be attached to pallets or packages, placed inside a package, or built into a packaging containing these products.

The devices are offered for transport and transported in commerce; thus, to the extent they contain hazardous materials, they are subject to applicable provisions of the HMR.

These devices qualify for the exceptions provided for small lithium batteries under SP 188. Specifically, the batteries conform to the provisions in paragraph a(2) as they are contained in equipment and meet the quantity and net weight limits specified. Therefore, the devices are not prohibited for transport aboard passenger aircraft nor are they subject to the marking requirement of paragraph a(1). Moreover, the batteries conform to the lithium content limitations of paragraphs b and c, and it appears that all battery types meet, or will meet by October 1, 2009, the test requirements of paragraph d. The batteries are separated so as to prevent short circuits and contained in equipment in conformance with paragraph e. Finally, the test regimen to which the devices are subject, the devices conform to the requirements of § 173.21 of the HMR, in that they do not appear likely to create sparks or generate a dangerous quantity of heat and, thus, meet the requirements of paragraph g. Paragraphs f and h do not apply to Marathon Products' situation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Nakagawa", with a stylized flourish extending to the right.

Jon Nakagawa
President & CEO
Marathon Products, Inc.