

Aviation Group Client Update

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ADDITIONAL COMMENTS REQUESTED ON LITHIUM BATTERY PROPOSED RULE

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is requesting additional comment on the impact of harmonizing the requirements for the air transport of lithium cells and batteries with those adopted into the 2013-2014 International Civil Aviation Organization (ICAO) Technical Instructions on the Transport of Dangerous Goods by Air.

Early last year, PHMSA published a [Notice of Proposed Rulemaking](#), addressing the air transportation risks posed by lithium cells and batteries. Since that time, the applicable ICAO standards have changed.

The ICAO Technical Instructions assign six separate packing instructions to describe the requirements of various types and configurations of lithium batteries. Under the changes, packages containing more than 8 lithium cells or 2 lithium batteries are subject to additional package weight limits and must display a Class 9 label and the lithium battery handling label. In addition, the shipper must provide the carrier with the name and address of the shipper and consignee, appropriate shipping name and UN number, the number of packages, and the gross mass of each package. The air carrier must provide this information to the pilot, retain the information for at least 3 months, and inspect each package for compliance.

PHMSA is seeking additional comment on a number of issues related to harmonization including, number of packages anticipated to be subject to the additional requirements, impact of not harmonizing, and projected burden of compliance. The full list of questions open for comment may be found at [77 Fed. Reg. 21714](#).

Comments are due on or before **May 11, 2012**. If you have any questions, or if we can assist preparation and submission of comments, please contact our office.

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