

Aviation Group Client Update

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PHMSA ISSUES NPRM ON AIR TRANSPORTATION OF LITHIUM BATTERIES

Today, PHMSA issued a [proposed rulemaking](#) and is seeking additional comments on the impact of changes to the requirements for the air transport of lithium cells and batteries that have been adopted into the 2013-2014 ICAO Technical Instructions, which are incorporated by reference in the final rule, Hazardous Materials: Harmonization with International Standards (RRR).

Specifically, PHMSA is considering the long-term impacts of allowing shippers and carriers to determine whether, when transporting lithium cells and batteries domestically by air, they will comply with the existing Hazardous Materials Regulations (HMR) or comply with the ICAO Technical Instructions 2013-2014 edition. Incorporating the ICAO Technical Instructions 2013-2014 rule by reference would give shippers and carriers just that choice. The question PHMSA faces is whether it should make compliance with the ICAO Technical Instructions 2013-2014 mandatory for all shipments of lithium batteries, whether in foreign or domestic air transport.

Comments are due on or before **March 8, 2013**. Please contact our office for additional information or for assistance with the preparation or submission of comments.

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