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## News

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## **DOT Issues Additional Proposed Rule on Transportation of Lithium Batteries**

Washington, D.C. – In its continuing effort to improve aviation safety, the U.S. Department of Transportation (DOT) today proposed to strengthen safeguards for air shipments of lithium batteries and cells, including when they are packed with or contained in equipment. The proposed changes will ensure that lithium batteries are designed to withstand normal transportation conditions and that they are packaged to reduce the possibility of damage that could lead to an unsafe incident.

“Safety is our highest priority, said U.S. Transportation Secretary LaHood. “This rulemaking is important for the protection of the traveling public and many of those who work in the aviation industry. We have to make sure lithium batteries or any other hazardous materials taken on planes are carried in the safest way possible. This rule will help us achieve a safer aviation environment without imposing a ban on the transport of lithium batteries by air.”

Since 1991, more than 40 air transport-related incidents involving lithium batteries and devices powered by lithium batteries have been identified.

The Department's Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Aviation Administration (FAA), developed this Notice of Proposed Rulemaking on display today in the *Federal Register* to comprehensively address the safe transportation of lithium cells and batteries when being shipped on aircraft.

In part, DOT proposes to:

- Eliminate regulatory exceptions for small lithium cells and batteries when included in an air shipment; and require their transportation as Class 9 materials, meaning they could pose a hazard when transported;
- Subject packages of small lithium batteries to well-recognized marking and labeling requirements for hazardous materials;
- Require transport documentation to accompany a shipment of small lithium batteries, including notifying the pilot in command of the presence and location of lithium batteries being shipped on the aircraft;
- Require manufacturers to retain results of satisfactory completion of United Nations design-type tests for each lithium cell and battery type;
- Limit stowage of lithium cell and battery shipments aboard aircraft to cargo locations accessible to the crew or locations equipped with an FAA-approved fire suppression system, unless transported in a container approved by the FAA Administrator; and
- Apply appropriate safety measures for the transport of lithium cells or batteries identified as being defective for safety reasons, or those that have been damaged or are otherwise being returned to the manufacturer, and limit the transportation of defective or damaged cells or batteries to highway and rail.

“Under existing regulations, a flight crew may not be made aware of a pallet containing thousands of lithium batteries on board the aircraft, yet a five-pound package of flammable paint or dry ice would be subject to the full scope of the regulations. That makes little sense,” said House Transportation and Infrastructure Chairman Jim Oberstar (D-MN). “This rulemaking protects the safety of the traveling public and flight crews on board passenger and cargo aircraft and in ground operations. It ensures that all lithium batteries will be regulated and addresses the National Transportation Safety Board’s recommendations issued more than a decade ago. I congratulate the department for this important step forward.”

“As our Committee has documented, there is more than enough evidence showing the need to enhance safety standards when shipping lithium batteries,” House Aviation Subcommittee Chairman Jerry Costello (D-IL) said. “The frequency of incidents combined with the difficulty in extinguishing lithium battery fires warrants taking strong action. These new regulations proposed by the Department of Transportation, will enhance safety for passengers, pilots, crews and our entire transportation system.”

For more detailed information on battery shipment requirements in the Hazardous Materials Regulations go to: <http://www.phmsa.dot.gov/hazmat/regs/rulemaking/final>.

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