

# **Bylaws**

## **Lithium Battery Air Safety Advisory Committee**

### **Section I: Purpose:**

The purpose of the Lithium Battery Air Safety Advisory Committee (the Committee) is to provide advice and recommendations to improve the safe air transportation of lithium ion and lithium metal cells and batteries and the effectiveness and the economic and social impacts of the regulations of such transportation. The Committee shall facilitate communication between the lithium battery manufacturing industry, air carriers, shippers, and the Federal government. The Committee shall provide the Secretary of Transportation a forum to discuss the activities of the U.S. Department of Transportation provide information on new lithium battery technologies, and receive stakeholder input relating to lithium battery transportation safety, including input that helps the government develop positions to be advocated in international forums.

### **Section II: Authority**

The Committee is established pursuant to section 333(d) of the FAA Reauthorization Act of 2018 (Public Law 115-254). The members are appointed by the Secretary of Transportation, established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C., App. 2) and operate in accordance with an approved charter.

### **Section III: Membership Selection and Appointment**

Members of the Committee are appointed by the Secretary of Transportation for two-year terms. Members are selected based on specific needs of the Committee in order to balance those viewpoints required to effectively address the issues under consideration. Membership reflects the categories outlined in the Statute.

Membership includes the responsibility to attend Committee meetings personally. It is intended that members will attend meetings in person. However, it is recognized that extenuating circumstances may require remote participation. All rights of membership that apply to those attending in person, including participation and voting, remain the same for members participating remotely. DOT reserves the ability to replace any member who is unable to fully participate in the Committees' meetings. Alternate members are not permitted to represent those individuals appointed by the Secretary of Transportation.

### **Section IV: Meeting Procedures**

The Committee will meet as required to carry out the duties reflected in its charter. A quorum of at least 50% participation of the Committee members is required to hold a meeting. Meetings will be called by the DFO in consultation with the Committee Chair according to the following considerations:

**A. Agenda:** The DFO will approve the agenda for all meetings. PHMSA will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the notice of the meeting in the Federal Register. Items for the agenda may be submitted to the DFO and/or one of the Committee Chairs by any member of the Committee. Items may also be suggested by non-members, including members of the public.

**B. Minutes and Records:** The Committee's DFO will prepare minutes of each meeting and will distribute copies to each Committee member. Minutes of open meetings will be available to the public upon request. Minutes of closed meetings will also be available to the public upon request, subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act (FOIA). The minutes will include a record of the persons present (including the names of committee members, names of staff, and the names of members of the public from whom written or oral presentations were made) and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued or approved by the Committee. The meeting agenda, handouts, and other documents for each meeting are posted on the Committee website and the public docket. The locations follow:

<https://www.phmsa.dot.gov/hazmat/rulemakings/lithium-battery-air-safety-advisory-committee>

<https://www.regulations.gov/docket?D=PHMSA-2019-0098>

If it is deemed necessary to close a meeting, minutes will also be available to the public upon request, subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act (FOIA).

All documents, reports, or other materials prepared by, or for, the Committee constitute official government records and must be maintained according to GSA policies and procedures.

**C. Open Meetings.** Unless otherwise determined in advance, all meetings of the Committee will be open to the public. Once an open meeting has begun, it will not be closed for any reason. All materials brought before, or presented to, the Committee during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, will be available to the public for review or copying at the time of the scheduled meeting.

Members of the public may attend any meeting or portion of a meeting that is not closed to the public and can, at the determination of the Committee Chair, offer oral comment at such meeting. The Committee Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to PHMSA at any time.

**D. Closed Meetings:** Meetings of the Committee will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by DOT’s Office of General Counsel (OGC) 30 days in advance of the session.

Where the DFO has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act (GISA), will be published in the Federal Register. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Committee Chair will order such discussion to cease and will schedule it for closed session. Notices of closed meetings will be published in the Federal Register at least 15 calendar days in advance.

**E. Frequency of committee meetings.** The Committee generally meets at least twice each calendar year. In addition, Committee members may be polled or asked for comments on activities of the Department of Transportation relating to lithium ion and lithium metal battery transportation safety, the policies underlying the activities, and positions to be advocated in international forums, or other matters at any time without formally assembling at one place.

## **Section V: Voting**

The Committee shall strive for consensus where possible. When a decision or recommendation of the Committee is required and consensus is not achieved, the Committee Chair will request a motion for a vote. However, any member, including the Committee Chair, may make a motion for a vote. A quorum is required for a vote. In other words, a majority of the current members of the Committee must be present at a meeting to perform the Committee’s statutory duties. For a vote, a majority of the valid quorum is required for approval of a decision or recommendation.

## **Section VI: Role of Committee Officials**

### **Designated Federal Officer**

The Designated Federal Official (DFO) is a representative from the Pipeline and Hazardous Materials Safety Administration Office of Hazardous Materials Safety and serves as the government's agent for all matters related to the Committee's activities. By Law, the DFO must: (1) approve or call the meeting of the Committee; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) designate a Committee Chair prior to each meeting, if needed.

In addition, the DFO is responsible for providing adequate staff support to the Committee, including the performance of the following functions: (1) Notifying members of the time and place for each meeting; (2) Maintaining records of all meetings, including subcommittee or working group activities, as required by Law; (3) maintaining the roll; (4) Preparing the minutes

of all meetings of the Committee's deliberations; (6) maintaining official Committee records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups; (7) acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; (8) preparing and handling all reports, including the annual report as required by FACA; and, (9) assign a Committee Program Manager to serve as a liaison responsible for committee management and staff support.

The alternate DFO is a representative from the Federal Aviation Administration who provides support for the DFO's activities and acts in the DFO's capacity in the event the DFO is unavailable.

### **Chairman**

The Chairman is designated by the DFO and is the presiding officer of the advisory committee who guides all efforts in completing assigned tasks. The Chairman may establish subcommittees subject to approval of the DFO. The Chairman works with the DFO to establish priorities, identify issues that must be addressed, determine the level and types of staff and financial support required, and serves as the focal point for the advisory committee's membership. The Chairman is responsible for documenting the recommendations presented by the Committee and preparing any Committee reports.

### **Member**

Members are duly appointed individuals who attend advisory committee meetings, gather information as necessary to discuss issues presented by the DFO, deliberate, and provide verbal or written consensus advice to the Committee.