



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

DEC 15 2005

400 Seventh Street, S.W.  
Washington, D.C. 20590

Mr. Les Adolph  
Chairman, ATA HMC COMAT Taskforce  
3900 North Mingo Road  
P.O. Box 582809  
MD-517  
Tulsa, OK 74116

Ref. No. 04-0283

Dear Mr. Adolph:

This is in response to your letter and subsequent conversation with a member of my staff concerning the transportation of primary lithium batteries and cells aboard passenger aircraft in accordance with the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) adopted under Docket HM-224E (December 15, 2004). You state that in order to ensure proper operation of a defibrillator during flight, in particular in order to be able to service multiple patients on a given flight, it is necessary to transport the defibrillator with an extra battery supply. You ask if the transportation of a defibrillator with an extra battery supply conforms to the requirement in Special Provision A101(b) that states that the package may contain no more than the number of lithium batteries or cells necessary to power the intended piece of equipment

The answer is no. The HMR as amended by the HM-224E interim final rule, impose a limited prohibition on the offering for transportation and transportation of primary (non-rechargeable) lithium batteries and cells and equipment containing or packed with large primary lithium batteries as cargo aboard passenger-carrying aircraft. This interim final rule applies to both foreign and domestic passenger-carrying aircraft entering, leaving, or operating in the United States and to persons offering primary lithium batteries and cells for transportation as cargo on any passenger-carrying aircraft. The "extra" primary lithium battery is not necessary to operate the device. Therefore, the "extra" primary lithium battery for your defibrillator may not be transported in accordance with Special provision A101.

I hope this information is helpful. Please contact us if you require additional assistance

Sincerely,

Susan Gorsky  
Acting Director  
Office of Hazardous Materials Standards



040283

173.185

John Gale  
Chief, Standards Development  
DOT R&SPA

Rekerford  
§173.185  
Lithium Batteries  
04-0283

Dear Mr. Gale,

We are in urgent need of a clarification on shipping as items of replacement the airworthiness required onboard defibrillators, how the new prohibition on transportation of primary lithium batteries and cells aboard passenger aircraft rulemaking and special provision A101 applies. AC 121-33A, question 10, acknowledges, with implied approval, the option of carrying an extra battery with these defibrillators. In order to avoid delays and possible cancellations, most long haul carriers have decided to carry extra equipment, including an additional battery. A battery may become unusable if it fails or is used to monitor/shock for several hours on a long flight. The industry's question is where as special provision A101, b. states "The package contains no more than the number of lithium batteries or cells necessary to power the intended piece of equipment". Where all of the other requirements of the special provision are met, can the practice of shipping the defibrillator with the backup battery be continued? These airworthiness required defibrillators have proven to have saved many lives and we feel that the current practice should continue.

Best regards,  
Les Adolph  
Chairman, ATA HMC COMAT Task Force