



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

APR 17 2014

John E. Martiney
Director, Hazmat & Environmental Compliance
Republic Airways Holdings
8909 Purdue Road, Suite 300
Indianapolis, Indiana 46268

Ref. No.: 14-0029

Dear Mr. Martiney:

This is in response to your February 14, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to lithium battery powered electronic devices used by an air carrier. Specifically you ask if lithium battery powered electronic devices used by members of the flight crew during flight are excepted from the HMR when transported in conformance with § 175.8(b)(3).

The HMR do not apply to portable electronic devices containing lithium cells or batteries carried aboard a passenger-carrying aircraft by the operator for use or sale on that aircraft when conforming to the requirements in § 175.8(b)(3). Among those requirements, the lithium cells and batteries contained in electronic devices must meet the specific requirements of § 175.10(a)(18). In this context, lithium cells and batteries contained in the electronic devices must conform to the appropriate size and quantity limits specified in § 175.10(a)(18).

Additionally, you should be aware that an FAA Information for Operators (InFO) 09014: Portable Electronic Devices (Credit Card Readers) has been published on this issue and can be found on FAA's website at www.faa.gov. The InFO is intended to ensure operators incorporate their use of portable electronic devices into their Hazmat-related training and manuals as appropriate. As noted in the InFO, you are encouraged to contact your Principal Operations Inspector and/or nearest Hazardous Materials Division Manager for additional information on compliance under Federal Aviation Regulations.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division



Leary
§175.10
§175.8
§171.8
Definition + Exceptions
14-0029

February 14, 2014

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: 49 CFR 175.8 and 49 CFR 175.10

Dear Sirs:

Final Rule HM-215L, published in the January 7, 2013 Federal Register, Vol. 78, No. 4, amended the HMR to maintain alignment with international standards (ICAO TI 2013-2014). Among them is a revision to 49 CFR 175.8 (b) (3):

Aerosols of Division 2.2 only (for dispensing of food products), alcoholic beverages, colognes, liquefied gas lighters, perfumes, and portable electronic devices containing lithium cells or batteries that meet the requirements of § 175.10(a) (18) carried aboard a passenger-carrying aircraft by the operator for use or sale on the specific aircraft.

We interpret 175.8 to include lithium-powered portable electronic devices used by the flight attendants, such as hand held point-of-sale devices and smart phones.

However, the revised regulation states "...that meet the requirements of 175.10(a) (18)..." Whereby 175.10(a) (18) states "...when carried by passengers or crew members for personal use."

If the portable electronic devices are included as operators' equipment under 175.8, then would 175.10 invalidate them because they are not 'for personal use', but rather for crew use?

We interpret the statement "that meets the requirements of 175.10(a) (18)" to be the safety and battery size limitation requirements.

What is the DOT definition of 'personal use'?

Are portable electronic devices powered by lithium batteries used by the flight attendants during flight exempted from regulations under 175.8(b) (3); or are they not exempted per the verbiage in 175.10(a) (18)?

Sincerely,

John E. Martiney
Director, Hazmat & Environmental Compliance
Republic Airways Holdings
JM/