



# McBreen & Kopko

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## Aviation Group Client Update

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### DOT ISSUES SAFETY NOTICE REGARDING THE SAFE TRANSPORT OF LITHIUM BATTERIES BY AIR

On April 7, 2016, the Pipeline and Hazardous Materials Safety Administration (“PHMSA”), an agency within the U.S. Department of Transportation (“DOT”), issued a [Safety Advisory Notice](#) regarding the transport of lithium batteries. The new Safety Notice is as a result of the recent actions that were taken by the International Civil Aviation Organization (“ICAO”) to enhance the safe transport of lithium batteries by air.

According to the International Coordinating Council of Aerospace Industries Association and various aircraft manufacturers, the fire suppression capabilities of an aircraft may be exceeded if heat and flames generated from thermal runaway in a single package of lithium ion batteries spreads to adjacent packages. Such a situation could potentially lead to a catastrophic loss of the aircraft because of a fire that cannot be contained or suppressed. Testing undertaken by the FAA’s Tech Center supported the aircraft manufacturers’ assessments, and it also highlighted the concern that the cargo compartment fire protection standards are not designed to address the unique hazards associated with the transport of lithium batteries.

Based on this information, ICAO amended the 2015-2016 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air concerning the transport of lithium ion cells and batteries. These amendments, effective April 1, 2016, include:

- A prohibition on the transport of lithium ion cells and batteries as cargo aboard passenger aircraft;
- A requirement for lithium ion cells and batteries to be shipped at a state of charge of no more than 30 percent of their rated capacity on cargo aircraft; and
- A limit on the number of packages of both lithium ion and lithium metal batteries that may be offered for transportation on cargo aircraft under current provisions for small cells and batteries to not more than one package per consignment or overpack.

At the present time, PHMSA is considering additional actions, including appropriate amendments to the hazardous materials regulations to address these enhanced safety measures adopted by the ICAO.