



March 12, 2010

Mr. Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards,
Pipeline and Hazardous Materials Safety Administration,

**RE: Pipeline and Hazardous Materials Safety Administration
Docket No. PHMSA-2009-0095
Hazardous Materials: Transportation of Lithium Batteries
Notice of Proposed Rulemaking (NPRM)**

Dear Mr. Betts:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am writing to comment on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Notice of Proposed Rulemaking (NPRM) to amend hazardous material regulations pertaining to the transport of lithium cells and batteries. Specifically, we want to express our support for the comments filed by the Air Line Pilots Association, International (ALPA) and would like to draw attention to areas of the proposal especially important to transportation labor.

As PHMSA is well aware and correctly acknowledged in the NPRM, the transportation of lithium batteries, a hazardous material, raises several serious safety concerns that must be addressed through adequate regulation. Lithium is flammable and a shorted lithium battery on board an aircraft, for example, can have devastating results. Transportation labor has long supported the adoption of rules to ensure crew member notification and better labeling of bulk shipments of lithium ion batteries used in cell phones and laptops. The Department of Transportation's (DOT) proposed rulemaking will have a significant, positive impact on the safety of the air transportation system.

TTD supports aspects of the NPRM that require the adoption of new shipping names, a watt-hour rating in lieu of using equivalent lithium content, changes to design type tests, and a mark indicating successful completion of those tests. TTD also supports allowing an operator to carry lithium batteries in the cabin. We also agree that safety is best served through the early implementation date proposed by the DOT. Although, the majority of this proposed rulemaking is encouraging, the proposal should be modified to better mitigate the risk presented to transportation by lithium metal batteries.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

The DOT rule implemented in 2005 prohibited the bulk shipment of lithium metal batteries in the cargo hold of passenger aircraft, but this prohibition must be extended to cargo aircraft. We are also concerned that the NPRM proposes allowing lithium batteries to be transported in accessible locations as an alternative to placing them in a cargo compartment with a suitable fire suppression system.

By requiring lithium ion batteries to be accessible to the flight crew, the batteries would be placed together with other highly regulated and potentially flammable substances, increasing the severity of an onboard fire. Crew accessibility provides a very basic means of fire suppression, requiring one crewmember to leave the cockpit and enter the cargo compartment with a hand held fire extinguisher. While this methodology is preferable to no ability to attempt to extinguish an on board fire, the probability of a crew member being successful in extinguishing a cargo fire using the accessibility provisions is relatively small. As such, permitting lithium ion batteries to be placed at an accessible cargo location is not a viable alternative to being placed in a Class C cargo compartment.

While not required, the majority of large, transport category cargo aircraft are equipped with Class C cargo compartments. Additionally, large volumes of freight are carried in transport category passenger aircraft, which are required to be equipped with Class C cargo compartments. If a Class C compartment does not exist on the aircraft, these batteries should not be permitted on board unless additional testing determines that they can be safely transported in either Class D or Class E cargo compartments.

Furthermore, lithium metal batteries should only be transported in packaging sufficient to protect them from damage, to prevent a fire involving a single battery from spreading, and to protect the battery from an external, independent fire. These packages should then only be transported in limited quantities and in cargo compartments capable of extinguishing any resultant fire.

Transportation labor appreciates the opportunity to comment on the NPRM. Thank you in advance for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a horizontal line underneath.

Edward Wytkind
President