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February 9, 2016

Chairman Bill Shuster
U.S. House of Representatives
2251 Rayburn House Office Building
Washington DC 20515

Frank A. Lo Biondo
New Jersey, Chairman
2251 Rayburn House Office Building
Washington DC 20515

Dear Chairman Shuster and Chairman Lo Biondo:

We write to express our support for Section 615 of H.R. 4441, the Aviation, Innovation, Reform and Reauthorization (AIRR) Act and retention in current law of Section 828 of the bi-partisan FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note). It will ensure the continued harmonization of lithium battery regulations with international standards and implement a balanced approach to a controversial issue that assures safety while protecting American commerce and vital supply chains.

The bipartisan FAA Modernization and Reform Act of 2012 included Section 828, which harmonized the regulation of lithium ion and lithium metal batteries with those set by the International Civil Aviation Organization (“ICAO”) Technical Instructions for the Safe Transportation of Dangerous Goods by Air. Section 615 of the AIRR Act leaves that provision intact. It thus will maintain the principle of harmonization while assuring U.S. regulations are updated to reflect the most recent ICAO actions and, of equal importance, assure more aggressive action to enforce international safety standards.

This past October, the ICAO Dangerous Goods Panel endorsed adoption of new, tougher regulations governing the air transportation of lithium batteries. ICAO’s Air Navigation

Commission since has concurred, and recommended further temporary limitations. Final action on these changes is expected later this month.

What is needed now is tough enforcement of these rules. The problem is not the carriage of lithium batteries on aircraft, but the proper handling of those products. Too many manufacturers and shippers, especially in certain regions of the world, ignore existing labelling and packaging requirements. This will continue until enforcement is substantially increased. Putting effort and resources into enforcement is the appropriate way to address concerns with battery transportation safety.

In contrast, adoption of different U.S. regulations than those passed by ICAO will increase shipper confusion – widely understood to be a major safety concern – and also disadvantage American carriers and consumers. Air transportation of products manufactured overseas will still occur, but only on foreign-registered fleets. Even if nominally addressing only cargo on passenger planes, these restrictions will block U.S. cargo carriers from making deliveries to many overseas locales, where at least one leg of the delivery transportation must occur on passenger aircraft. This also will block the delivery of vitally important medical devices and other batteries, for no good reason.

We also endorse the other element of Section 615, most notably its establishment of a formal Federal Advisory Committee to keep all concerned parties aware of new technologies, transportation options and policies. We anticipate that this committee will also assist in improving critical international enforcement of pertinent rules and regulations.

We look forward to working with you on these provisions to further strengthen enforcement, promote awareness, and ensure stakeholder participation.

Sincerely,

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Medical Imaging and Technology Alliance
Medtronic
National Association of Manufacturers
National Electrical Manufacturers Association
PRBA – The Rechargeable Battery Association
Retail Industry Leaders Association