



GOVERNMENT AFFAIRS DEPARTMENT
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

1625 MASSACHUSETTS AVENUE, N.W. □ WASHINGTON, D.C. 20036 □ 202-797-4033 □ FAX 202-797-4030

November 18, 2009

Dear Representative:

When the Transportation and Infrastructure Committee marks up H.R. 4016, the Hazardous Materials Transportation Safety Act of 2009, we urge you to support the bill and oppose any weakening amendments to Section 201 related to the air transportation of lithium batteries. The Air Line Pilots Association, International (ALPA) represents more than 53,000 pilots who fly for 36 commercial passenger and cargo airlines in the U.S. and Canada. These pilots know first hand the dangers of transporting hazardous cargo. They are also well trained to safely deliver dangerous goods throughout the world, which they do each and every day.

Problems can arise, however, when pilots are unaware that they are carrying cargo which may cause an onboard fire. Lithium batteries, which we all rely on to power computers, cell phones, cameras, and the like, are currently excepted from hazardous materials regulations. If lithium batteries shipped aboard airliners are damaged, defective, or improperly packaged, a fire may occur, leading to potentially catastrophic consequences.

To mitigate this risk, it is necessary to remove the exceptions in place today and fully regulate lithium batteries as a hazardous material, including provisions for enhanced marking, labeling, testing, packaging, and notification to the Pilot in Command requirements. It is also necessary to ensure that if a fire does occur, the results are not catastrophic. This is accomplished by restricting the loading of lithium batteries to cargo compartments equipped with a fire suppression system capable of extinguishing a lithium battery fire or by placing the batteries in a fire-resistant container or in locations accessible to the crew.

There have been six lithium battery incidents since the Committee released its draft reauthorization proposal this summer. Although we support the deliberate NPRM process under most circumstances, the frequency and potentially catastrophic consequences of a lithium battery fire makes it obvious that we simply cannot afford to wait for that lengthy process before we take action. The last time that PHMSA proposed a rulemaking to address lithium batteries, four years passed before implementation. Nearly two years have passed since the NTSB issued recommendations to PHMSA to remove regulatory exceptions for lithium batteries and restrict the quantities of batteries at any single location on an aircraft. We must take action now to protect passengers, crewmembers, persons on the ground, aircraft and their cargo. This legislation is also needed to ensure that the regulations ultimately published by PHMSA will actually meet the standards which Congress establishes.

We also cannot wait for the international community to act. Because discussions in the current International Civil Aviation Organization (ICAO) biennium have concluded, the earliest possible effective date for any new international lithium battery regulations adopted through the normal

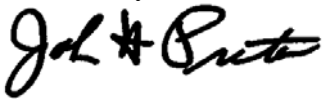
process would be January 1, 2013. International harmonization is a laudable goal and we believe that it will happen in due course, but safety must come first and cannot be subordinated to ICAO.

With a comprehensive domestic rule in place, the leadership of the United States in the international arena will be enhanced. PHMSA has yet to adopt the ICAO lithium battery provisions agreed to in 2007, which weakens the agency's ability to argue that even more restrictive provisions are necessary.

Adopting the regulations outlined in this bill will allow the United States to propose international rulemaking based on those regulations and regain the lead on improving battery shipment safety worldwide.

H.R. 4016 will substantially help enhance air transportation safety. ALPA urges you to support this bill without amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Prater". The signature is written in a cursive, slightly stylized font.

John H. Prater, President

JHP:jc