



PRESIDENT'S DEPARTMENT
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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September 22, 2010

The Honorable Ray LaHood
Secretary of Transportation
US Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary LaHood:

I am writing to express the concerns of nearly 53,000 pilot members of the Air Line Pilots Association, International who fly for 38 airlines in the U.S. and Canada regarding the ongoing, substantial risk to aviation safety as posed by lithium batteries carried as cargo. By letter dated August 20, 2009, we called on the Pipeline and Hazardous Materials Safety Administration (PHMSA) to issue a temporary prohibition on the carriage of all lithium batteries as cargo on passenger and all-cargo airplanes, with such a prohibition to remain in place until a rulemaking was issued and fully implemented. PHMSA replied to our correspondence in a positive fashion approximately one month later stating that the agency planned to issue a notice of proposed rulemaking to "comprehensively address the safe transportation of lithium cells and batteries in cargo."

True to its expressed intentions, PHMSA, in consultation with the FAA, published a Notice of Proposed Rulemaking (NPRM) concerning the transport of lithium batteries on January 11, 2010. The proposed rulemaking was received very positively by our membership and our comments of March 12, 2010 expressed this viewpoint.

There has been no further publicly available information on this rulemaking since that time, despite the fact that the U.S. House of Representatives' Transportation & Infrastructure Committee approved legislation this summer which essentially endorsed PHMSA's proposed rule. In fact, Congressmen James Oberstar and Jerry Costello communicated their strong support of the NPRM to the DOT in this regard.

Since we wrote to PHMSA last August, the FAA has posted information on its Dangerous Goods website regarding five (5) additional lithium battery related incidents. As is widely known, a wide body all-cargo aircraft carrying a large quantity of lithium batteries recently crashed in the Middle East and caused loss of life and damage to property on the ground. Some who are knowledgeable of the accident sequence have publicly raised the possibility that this accident may have been attributable to a fire resulting from its large cargo of these batteries.

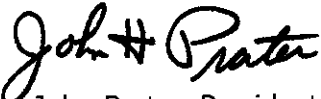
In our view, the government has had sufficient time to publish a rule to safeguard aviation and persons and property on the ground from the risk of lithium batteries. We respectfully urge the DOT to expeditiously take all necessary actions to help ensure that these devices are regulated

and recognized for what they have always been – dangerous goods – and that they be packaged, marked and transported accordingly.

Until appropriate regulations are published *and* fully implemented, we believe that a temporary ban on the carriage of lithium batteries is not only appropriate, it is still much needed. Accordingly, we also renew the call that we made more than one year ago to place a temporary prohibition on the carriage of lithium batteries as cargo on passenger and all-cargo aircraft, to remain in place until the agency has published and implemented a final rulemaking that ensures they can be shipped safely.

Thank you for your consideration of this urgent request. We look forward to your reply.

Sincerely,


John Prater, President