



January 10, 2014

Howard Shelanski
Administrator, Office of Information and Regulatory Affairs
White House Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: Department of Transportation Lithium Battery Rulemaking (HM-224F)

Dear Administrator Shelanski:

The undersigned trade associations, companies and other organizations request that the Office of Information and Regulatory Affairs act promptly to complete its EO 12866 regulatory review of the

Department of Transportation Pipeline and Hazardous Materials Safety Administration's (PHMSA) lithium battery HM-224F final rule.

PHMSA's HM-224F rulemaking was initiated four years ago this month. The initial proposed rule published on January 10, 2010 was quite deficient, but the Agency subsequently published two additional lithium battery notices (April 11, 2012 and January 7, 2013) that reflected further consideration of the issues. It is now time for this proceeding to be completed.

It is our understanding that PHMSA has acknowledged and adjusted its proposal to respond to the comments filed by many of us, and that the final rule would harmonize the lithium battery provisions in the U.S. hazardous materials regulations (HMR) applicable to air transport with the 2013-2014 ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air. We strongly believe that this would enhance safety by avoiding the burdens of complying with multiple and inconsistent safety requirements. Doing so, thus, is both sound policy and fully consistent with Section 828 of FAA Modernization and Reform Act of 2012, Public Law. No.112-95 (February 14, 2012). (We recognize that Section 828 authorizes PHMSA to continue its prohibition on the transport of lithium metal batteries on passenger aircraft, and do not oppose including this prohibition in the final rule.)

If, in fact, the final rule harmonizes the lithium battery provisions in the HMR applicable to air transport with the 2013-2014 ICAO Technical Instructions and the Agency has incorporated other changes we recommended, which we understand is the case, we see no reason why OIRA should delay its promulgation and publication in the Federal Register. (Those changes are exceptions for "small" and "medium" size lithium cells and batteries shipped by motor vehicle and rail car; authorization of shipments of prototype lithium batteries in vehicles without an approval; authorization of shipments of "small production" and prototype lithium cells and batteries consistent with the IMDG Code and ICAO Technical Instructions; and removal of requirements that would frustrate the continued successful operation of battery product stewardship programs in the U.S.)

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We appreciate your consideration of our concerns and comments. Should you have any questions, please contact David Weinberg, counsel to PRBA, which is serving as a coordinator on this matter. Mr. Weinberg's email is dweinberg@wileyrein.com; his telephone number is (202) 719-7102.

Sincerely,

AdvaMed
Airforwarders Association
Airlines for America
American Association of Exporters and Importers
Association of Home Appliance Manufacturers
Boston Scientific
Cargo Airline Association
Council on Safe Transportation of Hazardous Articles
CTIA – The Wireless Association
Delphi
DHL

Express Association of America
Information Technology Industry Council
Intel
International Air Transport Association
National Electrical Manufacturers Association
Retail Industry Leaders Association
PRBA – The Rechargeable Battery Association
Security Industry Association
Sony
Telecommunications Industry Association
The International Air Cargo Association
The National Industrial Transportation League
United Parcel Service

cc: Magdy El-Sabaie, PHMSA
Janet McLaughlin, FAA
Kristy Daphnis, OMB
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Charles Betts, PHMSA
Duane Pfund, PHMSA
Kevin Leary, PHMSA