

Will Problems with Dreamliner Batteries Impact Others in the Battery Industry?

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U.S. and international transport agencies may take a closer look at the hazardous materials (dangerous goods) regulations that govern the transport of lithium ion batteries by air as the U.S. Federal Aviation Administration (FAA) and Japan's transport ministry continue their investigations into the Dreamliner lithium ion battery incidents. This unwelcome development comes just as final steps were being taken to put to bed the controversial proposed 2010 lithium battery air transportation rule.

The first sign of additional scrutiny occurred on February 13, when the International Civil Aviation Organization (ICAO) issued an addendum to the ICAO Technical Instructions on the Safe Transport of Dangerous Goods by Air. The addendum prohibits transportation of lithium ion aircraft batteries like those used on the Dreamliner as cargo on passenger planes. The U.S. Department of Transportation (DOT) is expected to follow ICAO's lead and issue an amendment to the U.S. hazardous materials regulations.

ICAO's February decision does not affect transport of smaller lithium ion batteries (less than 5 kg) and equipment powered by smaller lithium ion batteries. But the ICAO Dangerous Goods Panel is scheduled to hold one of its regular working group meetings in Montreal the week of April 15-19, 2013, and the subject of how lithium ion batteries are regulated in air transport is on the agenda. Two topics certain to receive attention are how larger lithium ion batteries over 35 kg (even those not intended for use on aircraft) may be transported on cargo aircraft and packaging for damaged or defective lithium ion and lithium metal batteries.

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In the meantime, the DOT is in the midst of what industry had hoped would be its third and last lithium battery rulemaking of the last decade. It is an attempt by the Agency to complete the harmonization of the lithium battery provisions in the U.S. hazardous materials regulations with international standards. The deadline for filing comments on the DOT's proposed rulemaking is March 8, but as of February 25, no comments had been filed with the Agency.

The Dreamliner concerns came to light just as the FAA is gearing up to conduct more flammability tests on lithium ion cells and batteries at the Agency's Technical Center in Atlantic City, New Jersey. The FAA intends to subject thousands of lithium ion cells to multiple thermal and fire tests to evaluate the risks of these large quantities of cells and batteries in air transport. A report on the Agency's finding is expected by the end of this year.