



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

DEC 10 2008

Mr. Kyle Pitsor  
National Electrical Manufacturers Association  
1300 North 17<sup>th</sup> Street, Suite 1752  
Rosslyn, VA 22209

Ref. No.: 08-0267

Dear Mr. Pitsor:

This is in response to your October 24, 2008 letter concerning the marking and labeling requirements for lithium metal batteries offered for transportation by aircraft under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). You ask if you may incorporate the language shown below into a "lithium battery" handling label while maintaining compliance with the HMR and ICAO Technical Instructions.

The ICAO Technical Instructions (2009-2010) edition require certain packages containing lithium cells or batteries to bear a "lithium battery" handling label. At the same time, the HMR require the outside of each package containing primary (non-rechargeable) lithium batteries or cells to be marked "PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" or "LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" on a background of contrasting color, in letters:

- (i) At least 12 mm (0.5 inch) in height on packages having a gross mass of more than 30 kg (66 pounds); or
- (ii) At least 6 mm (0.25 inch) on packages having a gross mass of 30 kg (66 pounds) or less.

Provided the package is marked as described above, the language required by the HMR may appear on a "lithium battery" handling label. The ICAO Technical Instructions are silent on

modifications to handling labels, but for other labels, minor variations that do not affect the obvious meaning of the label are acceptable.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is written in a cursive style with a large, prominent initial "C".

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



**KYLE PITSOR**  
Vice President, Government Relations

October 24, 2008

Mr. Charles E. Betts  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Mr. Betts,

I am writing on behalf of the Dry Battery Section of the National Electrical Manufacturers Association (NEMA) to request an official interpretation of the labeling requirements for lithium metal batteries to be carried by aircraft.

As you are aware, the 2009-2010 edition of the ICAO Technical Instructions (TIs) includes a new "lithium battery handling label." The TIs also allow lithium metal batteries to be transported via passenger aircraft in excepted quantities of 2.5 kilograms per package or as fully regulated Class dangerous goods in packages limited to 35 kilograms.

At the same time, DOT/PHMSA maintains the requirement that no lithium metal batteries may be carried as cargo on passenger aircraft within the U.S. and that each package must be marked "LITHIUM METAL BATTERIES - FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT".

On the attached page we offer a suggestion for a combined label for your review and interpretation as to its consistency with ICAO Technical Instructions and DOT Hazardous Materials Relations.

Thank you in advance for your consideration and response. Should you have questions or need more information about this request, please contact Craig Updyke of my staff at (703) 841-3294 or [cra\\_updyke@nema.org](mailto:cra_updyke@nema.org).

Sincerely,

attachment

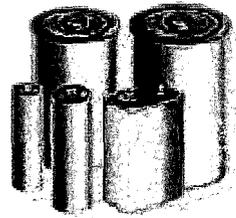
**National Electrical  
Manufacturers Association**

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1300 North 17th Street, Suite 1752  
Rosslyn, VA 22209  
(703) 841-3274  
FAX (703) 841-3374  
[kyl\\_pitsor@nema.org](mailto:kyl_pitsor@nema.org)

Leary  
\$172,401  
\$173,185  
Lithium Batteries  
Labeling  
08-0267

**CAUTION!**



**IF DAMAGED**

**LITHIUM METAL BATTERIES –  
FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT (USA ONLY)**

**DO NOT LOAD OR TRANSPORT  
PACKAGE IF DAMAGED**

**For more information, call** 1-800-424-9300 (North America)  
+ 1-703-527-3887 International

Dimensions: 120 x 110 mm (4.75 inches x 4.35 inches)  
Border color: Red on a contrasting background  
Pictogram colors: Glass, batteries, and flame can be black