



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUN 15 2015

Joseph Tsiyoni
1415 N. Rose Street
Tempe, AZ 85281

Ref. No.: 15-0069

Dear Mr. Tsiyoni:

This is in response to your letter dated April 7, 2015, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to a lithium ion battery powered wheelchair or other mobility aid carried by aircraft passengers or crewmembers. In your letter you note that most mobility aids contain a lithium ion battery that is removable but not without significant efforts. You raise a concern that because the lithium ion batteries are technically removable by the consumer, the watt-hour limit in § 175.10(a)(17)(v) applies. You request confirmation of your understanding of a previous letter (14-0066) that specified that mobility aids containing lithium batteries that are not specifically designed to be removed by the user are not subject to battery size limits.

Your understanding of the requirements of § 175.10(a)(17) and 14-0066 are correct. In general, § 175.10(a)(17) does not limit the size of the lithium ion battery installed in a wheelchair or other mobility aid when the lithium battery powered mobility aid meets certain conditions outlined in § 175.10(a)(17) and the mobility aid is carried as checked baggage.

PHMSA created a separate authorization that permits the transport of a mobility aid as carry-on baggage (see final rule 76 FR 3308; January 19, 2011). A lithium battery powered mobility aid authorized in carry-on baggage must be specifically designed to allow its battery to be removed and carried separately. This configuration is different than traditional mobility aids in which the battery is not intended to be frequently removed and reinstalled.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

*Leary
175.70
Aircraft Battery
15-0069*

From: Betts, Charles (PHMSA)
Sent: Tuesday, April 07, 2015 6:41 PM
To: Hazmat Interps
Subject: Fw: Lithium Ion battery on handicap scooter in aircraft: - IMPORTANT LETTER
Attachments: 0407 letter to dot exec.pdf

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: joseph tsiyoni <tsiyoni@cox.net>
Sent: Tuesday, April 7, 2015 6:01 PM
To: Betts, Charles (PHMSA)
Subject: Lithium Ion battery on handicap scooter in aircraft: - IMPORTANT LETTER

Mr. Charles E. Betts

Charles.Betts@DOT.GOV

Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
C. Kelley G
Acting International Standards Coordinator
Standards and Rulemaking Division
202-366-8553

Dear Mr. Betts:

As the only email I have, I would like to ask you to please have one of your assistant review this issue and I hope there will be some contribution to the misinterpretation of the law by many who don't even know how to find the law, not they know what the law states.

Respectfully,

Joseph Tsiyoni
Tempe, AZ
480-949-0894

(The letter is also below for your convenience.)

=====JOSEPH TSIYONI=====

1415 N. Rose Street
Tempe, Arizona 85281

Tsiyoni@Cox.Net

Phone: (480) 949-0894

1. Mr. Charles E. Betts

Charles.Betts@DOT.GOV

Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
C. Kelley G
Acting International Standards Coordinator
Standards and Rulemaking Division

202-366-8553

2. C. Kelley G
Acting International Standards Coordinator
Standards and Rulemaking Division
Via Mr. Betts

Re: Lithium Ion battery on handicap scooter in aircraft:
175.10(a) 17(v)(D) AKA AKA 175.10 Vs. §175.10(a)(17) (i), (ii), (iii)

Greetings:

I respectfully ask you to please review this letter and provided me the “simple rule” about batteries installed in “wheelchair or other mobility aid”. This issue is very important, and I believe that the message has not been delivered clearly and is confusing.

EXPLANATION:

1. In my efforts to communicate with DOT personnel, I run into a confusing situation, especially in light of the Letter of Interpretation, Ref. No.: 14-0066, May 13, 2013 by Mr. Shane C. Kelley, Acting International, Standards Coordinator, Standards and Rulemaking Division.

2. The letter was sent to L’Gena Shaffer, Technical Consultant, Council on the Safe Transportation of Hazardous Articles, Inc., 7803 Hill House Court, Fairfax Station, VA 22039

3. It appears that the actual and clearer interpretation should have been as follows:

A. Batteries which comply with §175.10(a)(17) (i), (ii), (iii) – should be considered as Non-collapsible, therefore not subject to limitation of 175.10(a) 17(v)(D) (in 2015 change: 300 WH).

B. Naturally, batteries installed in all or most “wheelchair or other mobility aid” are removable. However, batteries which are secured to the scooter by securing means, and cannot be removed without un-securing them, thus complying with §175.10(a)(17) (i), (ii), (iii), should be considered as non-collapsible, therefore the limitation of the new 300 WH does not apply on them.

4. The core issue is the term “collapsible”. All scooters used by people with mobility difficulties have removable batteries. However, unlike laptop battery, which can be removed by a simple pushing a small switch or spring button, there are scooter with battery which are secured and CANNOT BE removed without significant efforts of un-securing.

Having such proper secured elements, those batteries comply with §175.10(a)(17) (i), (ii), (iii).

Otherwise, you would eliminate most, if not, all “wheelchair or other mobility aid” from the exception of WH capacity.

I am sure this is an important issue, and would appreciate response.

Another issue related is this:

The limitation of 300 WH is incomplete.

The international industry produces batteries by Ah, which normally uses ODD numbers such as 10, 12, 14, 16.

For 24V or 36V battery, no Ah will be 300, and all are lower or higher. That makes the use of collapsible batteries more difficult and inappropriate.

For example, 24V 12Ah = 288 WH; 24V-14Ah= 336. If used 24V 13Ah= 312.

BY eliminating to lower AH, while the industry has moved to 36V or more, it will be difficult for people with disability to use proper and applicable battery, because, based on 36V battery, 36V10Ah= 360WH. Thus, the maximum AH for 36V according to the limitation of 300WH is: 8.3Ah. It means using 8Ah in 36V battery results in a very weak battery, which most likely is not available anymore.

Thank you very much.

Respectfully,

Joseph Tsiyoni

c.c. Director, Council on the Safe Transportation of Hazardous Articles, Inc., 7803 Hill House Court,
Fairfax Station, VA 22039

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2. C. Kelley G

Acting International Standards Coordinator
Standards and Rulemaking Division
Via Mr. betts

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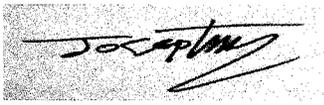
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