



**PRESIDENT'S DEPARTMENT  
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL**

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August 20, 2009

Ms. Cynthia Douglass  
Acting Deputy Administrator  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, 2nd Floor  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Ms. Douglass:

The Air Line Pilots Association, International (ALPA), which represents 53,500 pilots who fly for 36 airlines in the US and Canada, would like to express its profound and growing concern about the hazardous shipment of batteries on cargo aircraft. Since June 18, 2009, there have been three separate incidents involving the carriage of lithium-ion batteries on US cargo aircraft which could have resulted in accidents:

August 14, Minneapolis-St. Paul International Airport (MSP). After landing and exiting the runway, the crew received a warning indicating smoke in the forward cargo compartment. The MSP aircraft rescue and firefighting personnel observed smoke emanating from the forward cargo compartment and detected a heat source forward of the cargo door. They removed the cargo in the compartment and discovered a container emitting flames. Fortunately, the ARFF personnel were able to extinguish the fire with no damage to the aircraft or loss of life. Although the investigation is presently ongoing, initial indications are that the fire originated with a shipment of approximately 1,000 e-cigarettes, each containing a rechargeable lithium-ion battery.

July 15, Santo Domingo, Dominican Republic. Initial report from the airline indicated that one of several related packages transported from Romulus, MI was discovered to be emitting smoke and smoldering. Upon inspection, package found to contain numerous, loose lithium-ion cell phone batteries with no protection of the contact points. Package documentation indicated "used batteries – non-haz."

June 18, Honolulu, HI. Initial report indicated that a burned package was discovered inside a Unit Load Device as it was being unloaded. The package, containing a lithium-ion bicycle-power device, was originally loaded in Philadelphia and was subsequently transported from Ontario, California.

The similarities between these incidents and the February 7, 2006 accident involving a UPS DC-8 at Philadelphia, Pennsylvania (UPS 1307) are striking. Following the

investigation of that accident, the National Transportation Safety Board (NTSB) issued a number of recommendations addressing lithium battery transport, including a recommendation to fully regulate these batteries as dangerous goods (A-07-109). Since the UPS accident, the Federal Aviation Administration (FAA) has documented 26 additional incidents involving lithium-ion and lithium-metal batteries in air transportation.

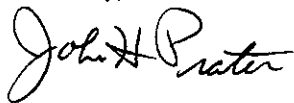
ALPA has long advocated for improved transport requirements for lithium-ion and lithium-metal batteries. From 2004 to the present, ALPA has urged the Department of Transportation to fully regulate these batteries as dangerous goods, including packaging, labeling, marking, testing, and pilot notification requirements. Furthermore, ALPA has asked that the ban of bulk shipments of lithium-metal batteries on passenger aircraft be extended to all-cargo aircraft until adequate packaging standards can be developed.

At the May 14th, 2009 hearing of the House Subcommittee on Pipelines and Hazardous Materials, in response to questioning from Chairman Oberstar, you indicated that rulemaking was being drafted to improve lithium battery safety, including fully regulating lithium batteries as dangerous goods. We certainly endorse and support the development of this rulemaking and look forward to commenting on the proposed rule. However, it is clear from these recent, ongoing incidents that decisive action to safeguard aviation should not be withheld until the rulemaking process concludes. We have been most fortunate that the lithium-ion battery malfunctions noted above did not cause an accident, but luck is not a sound safety strategy.

Accordingly, we call upon PHMSA to *immediately issue a temporary prohibition on the carriage of lithium-ion and lithium-metal batteries as cargo on passenger and all-cargo aircraft* which will remain in place until the agency has concluded the rulemaking process and shippers can safely transport these hazardous items in accordance with the new rules.

Thank you for your consideration of this recommendation. We look forward to your earliest response.

Sincerely,



John H. Prater, President

cc: The Honorable Ray LaHood  
The Honorable Randy Babbitt