



DANGEROUS GOODS PANEL (DGP)

TWENTY-FIFTH MEETING

Montréal, 19 to 30 October 2015

Agenda Item 5: Development of a comprehensive strategy to mitigate risks associated with the transport of lithium batteries including development of performance-based packaging standards and efforts to facilitate compliance

COMMENTS ON PROPOSAL TO ELIMINATE SECTION II IN PACKING INSTRUCTIONS 965 AND 968 OF THE TECHNICAL INSTRUCTIONS

(Presented by PRBA – The Rechargeable Battery Association)

SUMMARY

This information paper responds to proposals to eliminate Section II in Packing Instructions 965 and 968 of the ICAO Technical Instructions.

1. INTRODUCTION

1.1 Section II in Packing Instructions 965 and 968 was developed to provide a means to ship very small quantities of lithium cells and batteries without being subject to the full requirements of the Technical Instructions. This limited relief greatly benefits consumers and small businesses who do not regularly ship dangerous goods other than small packages of lithium batteries. Consumers and small businesses are often not familiar with the requirements associated with shipping fully-regulated dangerous goods (*e.g.*, training, documentation, UN specification packaging) and therefore cannot be expected to fully comply with all of these requirements.

1.2 Removing Section II from Packing Instructions 965 and 968 will result in a more complicated rather than a less complicated regulatory structure for shippers with limited or no knowledge of the Technical Instructions. In addition, for the DGP to assume that every shipper of lithium batteries – particularly the thousands of e-commerce sites that offer small packages of lithium batteries for transport – will actually comply with the training, packaging, labelling, marking and transport document requirements associated with shipping in accordance with Section IA and IB of Packing Instructions 965 and 968 is overly optimistic.

1.3 The current packaging and lithium battery handling label (and Cargo Aircraft Only label for lithium metal batteries) required for Section II cells and batteries provide an adequate level of safety and hazard communication for these small shipments of batteries. In addition, the proposed restrictions on overpacking Section II cells and batteries outlined in DGP-WP/14 address the concerns associated with “high density” shipments that originate from cell and battery manufacturers. The changes proposed in DGP-WP/14 will result in more Section IB shipments and enable operators to determine the quantity of lithium batteries in a cargo hold or on an aircraft. In turn, this will allow operators to take the necessary steps to implement enhanced fire suppression capabilities and improve their safety risk analysis associated with carrying lithium batteries.

1.4 The DGP also should not overlook the complex trade and transportation markets for products that use lithium cells and batteries and the substantial disruptions to these supply chains that will result if Section II from Packing Instructions 965 and 968 is eliminated. In 2010, PRBA prepared a 118-page economic analysis on a U.S. Department of Transportation (DOT) proposed rulemaking in which the Agency proposed to eliminate the exceptions for small lithium cells and batteries and equipment packed with or containing them (*i.e.*, Section II cells and batteries) shipped by air. Our analysis showed that the first year impact would be \$1.1 billion and the 10-year direct cost to shippers would be \$8.5 billion. That analysis is available upon request. After a 5½-year rule making process, the U.S. DOT retained a limited exception for air transport for Section II-type lithium cells and batteries consistent with the existing Technical Instructions.

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