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Aviation Group Client Update

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BAN ON LITHIUM BATTERIES AS CARGO ON PASSENGER AIRCRAFT

In a rulemaking that takes effect immediately, lithium batteries are not permitted as cargo on passenger aircraft. Additionally, lithium batteries may not be shipped at more than a 30% charge when aboard cargo-only aircraft, and alternative provisions for carriage of small lithium batteries are limited to one package per consignment.

Summary. The interim final rulemaking takes effect immediately. Section 333 of the FAA Reauthorization Act of 2018 mandated the immediate adoption of this ban. However comments on the new rule will be accepted. The rulemaking harmonizes U.S. regulations with the ICAO Technical Instructions.

Requirements. The Hazardous Material Regulations (49 CFR Part 172 and 173) have been amended to (i) prohibit the transport of lithium ion cells and batteries (UN3480) as cargo on passenger aircraft; (ii) require all lithium ion cells and batteries (UN3480) to be shipped at not more than a 30 percent state of charge on cargo-only aircraft; and (iii) restrict small lithium cell or battery shipments to one package per consignment or overpack.

Passengers and crewmembers continue to be permitted to bring personal items or electronic devices containing lithium batteries aboard aircraft.

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